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ABSTRACT

This manual is designed to provide materials to help state and local bar associations become involved with the literacy issue. Chapter 1 provides an overview of illiteracy as a very serious problem. Chapter 2 describes major public and private efforts to combat illiteracy. Chapter 3 explains why the bar associations should be involved. Chapter 4 offers 28 discrete program ideas to assist state and local bars in developing effective literacy improvement initiatives. Although the chapter is divided by state bar association, local bar association, and individual lawyer headings, these divisions are somewhat arbitrary. Chapter 5 concludes that universal literacy is a national imperative. The appendix is an abridged alphabetical index of organizations and literacy programs mentioned within the manual. (YLB)

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LAWYERS FOR LITERACY

A BAR LEADERSHIP MANUAL

A Special Public Service Publication
Of The
American Bar Association's
Task Force on Literacy

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AMERICAN BAR ASSOCIATION

LAWYERS FOR LITERACY

A Bar Leadership Manual

Authorized by the American Bar Association's Board of Governors, the ABA Task Force on Literacy was charged with the responsibility of producing an "ABA Literacy Package", a package of materials "aimed at helping state and local bar associations become involved with the literacy issue." *Lawyers For Literacy* fulfills this responsibility by providing an overview of the literacy problem, by delineating major public and private efforts to combat illiteracy and by offering 28 discrete program ideas to assist state and local bars in developing effective literacy improvement initiatives. The views contained within *Lawyers For Literacy*, including the program suggestions, represent the views of the American Bar Association's Task Force on Literacy.

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". . . rede, and drive the night away."

Geoffrey Chaucer

FOREWORD

A Special Message to State and Local Bar Leaders from the President of the American Bar Association

In the September, 1986 issue of the *ABA Journal*, I devoted my first President's Message to a subject entitled "A Lawyer's Case For Literacy". It said in part, "The best, most memorable gift we can give our nation on the 200th anniversary of its Constitution could and should be a contribution to basic, functional and legal literacy for all Americans—a gift enhancing the quality of justice and the quality of life in America."

Lawyers For Literacy is a brief but thorough blueprint for achieving those goals. In it, the ABA's Task Force on Literacy has developed an impressive array of program ideas that can be tailored to fit the public service aspirations of bar associations across the country. I believe this Book makes a lawyer's case. It leaves little doubt that we are faced with a fundamental national problem. But it is not a hand-wringing expose: its assessments and analyses are followed by "case" descriptions of what we lawyers can do about the problem.

The twenty-eight model programs set forth within Chapter Four represent challenges and opportunities for all bar associations. The challenges are local in nature, as are the opportunities. Illiteracy statistics are national, but illiteracy is a community problem—one that must be tackled at the state and local levels.

I am proud of the work done by the Task Force on Literacy; yet, as Task Force Chairman Michael J. Hemovich and his colleagues point out, the Manual's programmatic suggestions are not the "last word"—they are starting places, starting places for state and local bar association literacy leadership and support initiatives. *Lawyers For Literacy* contains the seeds for useful projects. Some of them are ingenious and all are meritorious. Together they represent an exemplary effort to help the nation's organized bars find practical ways to put lawyers' skills to work *for literacy*.

Bar presidents and leaders from every state and local association can use *Lawyers For Literacy* to make a vital contribution to the nation's future. I urge every bar association to use this manual, to

adapt and employ its ideas and to seize the opportunity it gives us all to implement bar association public service programs in the literacy improvement field. When I recommended creation of the American Bar Association's Special Emphasis Program on Literacy in August, 1986, I was convinced that literacy was the business of lawyers and bar associations. Now, having the benefit of *Lawyers For Literacy*, my conviction is more than affirmed. This Manual is a roadmap for every lawyer, every bar association that wants to help people and the nation at one and the same time. But program ideas unused—like library books unread—produce nothing. The Task Force has done its work—we hope we can count on yours.

Eugene C. Thomas
President, American Bar Association
July 10, 1987

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Abridged Alphabetical Index of Organizations and Literacy Programs Mentioned Within This Manual (The ABA Task Force on Literacy plans to publish a comprehensive national directory of literacy programs in the near future. The directory will be distributed to state and local bar associations).

ACKNOWLEDGMENTS

Lawyers For Literacy is dedicated to the the thousands of men and women who have devoted their professional and volunteer careers to literacy work. It is also dedicated to those who cannot read, to the tens of millions of Americans who cannot grasp the written word. They are all around us: in every city and community. Many wish to learn to read—all should. *Lawyers For Literacy* outlines programs that can help both groups.

Throughout the Task Force's work, we received advice and counsel from a host of literacy organizations and experts. Their assistance was invaluable and some of the program ideas that appear in Chapter Four were their ideas. The Task Force acknowledges with gratitude the contributions made by: Arthur Colby, Chairman, Literacy Volunteers of America, Inc., Helen "Jinx" Crouch, President, Literacy Volunteers of America, Inc. and her staff; Peter Waite, Executive Director, Laubach Literacy Action, and William Raleigh and other members of Laubach's staff; Mrs. Elliot Richardson, Chairman, Reading Is Fundamental and Wade St. Clair, Director of Development for RIF; Elizabeth Laugharn, Deputy Director, Adult Literacy Initiative, U.S. Department of Education. Many, many others contributed.

A number of organizations and literacy experts reviewed earlier drafts of the Manual and their comments, especially those of John E. Harr, Vice President, Office of Communications, Capital Cities/ABC Inc. and Stephen J. Steurer, Executive Director of the Correctional Education Association, were of great value. The Manual drew upon many other sources including publications from the Business Council for Effective Literacy; the Division of Adult Education, U.S. Department of Education; Laubach; LVA; the Coalition For Literacy; reports from the National Assessment of Educational Progress; Jonathan Kozol's *Illiterate America*, and others. Helpful information and suggestions flowed from many sources: lawyers, judges, professional associations, librarians and even schoolchildren. We are grateful for their help.

We are also indebted to Mrs. George Bush, a leading literacy advocate, who made the facilities of the Old Executive Office Building available for an ABA Planning Conference on Literacy. That Conference laid the foundation for this manual. Ms. Susan Green, a literacy specialist on Mrs. Bush's staff, also provided wise counsel.

Much is being done across the country to advance public awareness about illiteracy and to improve the delivery of literacy training. Project Literacy U.S., the work of the Coalition For Literacy, the work of the traditional volunteer literacy organizations and the efforts of Adult Basic Education teachers and volunteers deserve the admiration and support of all Americans. The American Bar Association's Task Force on Literacy hopes and trusts that this Manual will contribute to these efforts by facilitating the development of literacy initiatives within all bar associations.

The American Bar Association
Task Force on Literacy

Michael J. Hemovich, Chairman

Betty Southard Murphy — **C. Thomas Ross**

J. William Straughan, Jr. — **Robert Takasugi**

Richard P. Lynch, Director

Washington, D.C.
July 10, 1987

INTRODUCTION

Lawyers For Literacy is one of the principal work products of the American Bar Association's Task Force on Literacy. Like those who will read this Manual, we who have served on the Task Force are lawyers or judges. One of our members serves as a Senior Vice-President of a major publishing house, another has been active for many years in a wide variety of bar association public education programs and a third, who also serves as a member of The Commission on the Bicentennial of The United States Constitution, has a special interest in legal literacy. In spite of these and other credentials, we do not hold ourselves out to be literacy experts.

We are lawyers who accepted appointment to this Task Force because we believed that the organized bar should be more than an interested observer of the nation's literacy problem.

During the course of our work we have benefited from the truly expert advice of many literacy experts, both professionals and volunteers. Few of the experts, organizations and individuals alike—agree about the precise levels of literacy, or illiteracy, in America. Yet, disputes regarding the precise numbers of millions who cannot read seem hollow disputes. Virtually all with whom we have consulted agree on the most important fact: America has a literacy problem. We have far, far too many citizens and immigrants alike who cannot read or who can read only at the most minimal levels. Our brief voyage into a veritable sea of illiteracy has been troubling. Yet, we finish this first leg with an optimistic outlook that much can be done to improve the situation. That optimism is based upon our anticipation that bar associations—and individual lawyers—across the country will lend a hand to help resolve a problem which, if neglected, will only get worse.

Within this manual we attempt to give lawyers a brief glimpse of our assessment of illiteracy in America. We conclude that it is a very serious problem. Next, we attempt to describe what the country—through its private and public institutions—has been doing to combat illiteracy. Then, in briefest fashion we state our case as to why the legal profession and the organized bar should be concerned enough to join the national coalition working against illiteracy. We hope our case is a convincing one, for we follow it up with twenty-eight program ideas suggesting concrete ways through which state

bar associations, local bar associations and individual lawyers can provide leadership and support for literacy improvement initiatives. The program ideas are as concrete as we could make them. We hope that state and local bar associations will use them as they are intended—as starting places. We are convinced that literacy is a problem of national scope and that the legal profession can play a vital role in addressing it. We urge bar associations across the country to join us by becoming "Lawyers for Literacy."

Michael J. Hemovich, Chairman
ABA Task Force on Literacy

CHAPTER ONE

LITERACY IN AMERICA: AN ASSESSMENT

Background

Language, especially written language, is the bedrock of civilization. The written word has enabled us to build, to learn and to remember. Through it learning and wisdom have been captured, encoded and preserved for future generations. Less sophisticated civilizations, lacking a written alphabet, have relied upon storytellers. But oral history—like human memory itself—is fragile and fleeting. Throughout history, organized societies lacking the written word have faded from the scene, replaced by those whose development and advancement have been accelerated by written language.

Language, especially written language, is power. As we enter the twenty-first century this fact has never been more self-evident. Imagine—for just one moment—what our world would be like without the written word. Think for just a moment about the number of times in any given day that one turns to a dictionary, a road map, a train schedule, a newspaper, a novel, a menu or an office memorandum. As a professional, think about what it would be like to have to remember the provisions of the Uniform Commercial Code, or to have to remember how to perform eye surgery, or to have to remember how to build a dam: virtually an impossible task. On a more mundane level, imagine what it would be like to have to remember a long list of phone numbers or an entire grocery list—to have to clutter one's mind with the commonplace. This is what illiterates—the unlettered—have to do every day. They have to memorize, to remember, to go through life by rote. They have to commit to memory all of those common things that the rest of us take for granted because we can read. And illiterates must do this day after day. They are more than dependent upon the spoken word—they are its prisoners. Confined by their inability to comprehend written language, their liberty is restricted.

The Extent of The Problem

Significant rates of illiteracy should be unacceptable in a free society. History teaches us that freedom requires vigilance—the vigilance of the people. Absent a literate electorate, that freedom itself is in jeopardy. On a less cosmic plane, significant rates of illiteracy impinge upon our collective freedoms in a variety of ways. Although some commentators disagree, it seems clear that illiteracy contributes to the economic scourge of unemployment, and the consequences of unemployment are felt by all of us. It also seems clear that illiteracy, like other forms of social disadvantage, contributes to delinquency and criminality and the social costs are enormous. Public assistance rolls are swelled by those who cannot read and write and the costs are both direct and indirect. These factors affect public and private institutions alike. In monetary terms alone, the costs seem staggering. The American Library Association has estimated that illiteracy comes with an annual price tag—a price tag composed of $224 billion in costs for crime, welfare, job incompetence, remedial training, taxes and lost revenues. Some estimates run even higher. Jonathan Kozol, while indicating that the figure is in need of updating, cites a 1972 Senate Select Committee estimate of $237 billion in unrealized lifetime earnings for men between the ages of 25 and 34 with less than high school level skills. These are but two estimates, two perhaps unscientific attempts to put a price tag on the national costs of illiteracy. Despite the lack of a definitive cost figure—a figure difficult at best to calculate—there is no doubt that the total cost is substantial. Of even greater importance is the loss in human terms. Illiterates, notwithstanding their development of coping skills, live impaired lives in a print society. They are dependent. They cannot participate fully in the electoral process nor can they share fully in the nation's economic opportunities. Lacking an understanding of the written word, their educational lives are attenuated. With the closing of those educational doors their chances for self-development, self-understanding and self-fulfillment decline sharply.

Illiteracy is an impairment of major magnitude. Its effects are progressive. The fact that an adolescent cannot read very well soon becomes more than an educational impediment. In short order that "impediment" becomes a major barrier to opportunity, to employment. And the effects do not stop there. To be an illiterate adult is a crippling disability, forcing the unlettered to rely on their senses and to live forever in the present. Who are they?

America's Illiterates

"America", wrote Robert Frost, "is hard to see." Illiterates in America are also hard to see. Informed commentators tell us that illiterates are all about us. Most of us, however, do not see them and in all likelihood, most of us do not look for them. Who are they? They are young, they are old, they are white, black, Hispanic, and native Americans. They are also immigrants and resident aliens; yet, while immigrants do contribute substantially to the number of people who cannot read and write, the great majority of illiterates are Americans—born here in America. And, of those, the preponderance are white males. Jonathan Kozol, author of *Illiterate America*, asserts that 16 percent of America's white adults are functionally illiterate. He also states that the proportions of functional or marginal illiteracy are even more dismal for the nation's major minority groups: 44 percent for blacks and 56 percent for Hispanics.

Who are the illiterates? Principally they are adults. And they live in or near your communities. How many are there? The experts do not agree. Literacy organizations cite figures of up to 74 million, yet in 1980 the Census Bureau estimated that the rate of adult illiteracy was 0.5 percent, a figure that would mean that we had about 1 million adult illiterates (based on early 1980s population figures). What is the historical perspective? Are we now falling behind? Are we, as a country, worse off now than we were 50 or 100 years ago? It is hard to tell. Informed commentators contend that rates for adult illiteracy have fallen drastically in America over the past century. In the late 1880s the estimated rate was 20 percent, a rate that had dwindled to less than 11 percent by the turn of the century.

Decade by decade within the twentieth century Census Bureau figures for illiteracy dropped, reaching 0.5 percent by 1980. But how can this be? How can this estimate be squared with figures supplied by literacy organizations and researchers? First of all, the Census Bureau estimates were based upon a very narrow definition of illiteracy, counting as illiterate only those 14 years of age and older with less than six grades of schooling who reported that they were unable to read and write. This kind of definition or counting practice seems to have little utility. But then, in 1986, the U.S. Department of Education released the results of a 1982 Census "test", a test indicating an adult illiteracy rate of 13 percent. A shift of such magnitude—0.5 to 13 percent—implies that the test employed a different definition of illiteracy. What has illiteracy meant? What should it mean?

Over a hundred years ago it probably meant nothing more than the ability to write one's name or to recite aloud from a familiar

text. That was certainly basic literacy. In the early twentieth century literacy began to be defined as an ability to read from an unfamiliar text and later it began to be defined as an ability to read at a stipulated grade level. Over the years the grade level fluctuated—usually upward. With the advent of standardized testing this kind of grade level measurement seemed to make sense. Arguably, a fourth-grade reading level of forty years ago may differ from a fourth-grade reading level today. Newer—and perhaps more serviceable—definitions of literacy tend to shy away from arbitrary grade scales. They attempt to define literacy as the possession of reading, writing and computation skills necessary for effective functioning in modern society. To this extent they focus more on the issues of competence, of coping. If these newer attempts at definition are harbingers of movement toward public and political insistence that school graduates be turned out ready for the challenges of adulthood, ready for participation as citizens—so much the better.

The Levels of Illiteracy

Definitional arguments are not unimportant. Yet, to some extent those arguments divert attention from the fact that we have two—and possibly three—literacy problems in this nation. First, a very substantial number of Americans can't read and write—period. This needs little explanation. They flat out can't read and write! That is problem one, and the one problem that seems most intractable. It is these illiterates who do not seem to find their way into the variety of available tutorial and Adult Basic Education programs. They are most in need and they are the least serviced. How many fall within this first tier? The Coalition For Literacy says 27 million. Other organizations and studies report differing figures: some less, some more. By any measure, the figure is staggering.

The second tier—a more numerous group—is composed of those referred to as marginally literate. Like the first tier group, their ranks are legion. The Coalition For Literacy estimates that 47 million American adults fall in this group, a group possessing only the most minimal literacy skills.

The third and final tier comprehends an indeterminate group—a new group. Within this group are those adults who can read, but don't. These are the aliterates. Any skill unused, rusts. While this group represents a lesser challenge than tiers one and two, aliteracy itself deserves comment. To the extent that aliterates are parents, their aliteracy sets a poor example. To the extent that aliterates are workers, they probably diminish their value in the marketplace. In

short, reading provides the opportunity to continue one's education throughout a lifetime. Those who "can but don't" deprive themselves of continuing opportunities for personal growth and development.

Reading may be a matter of personal choice, but it is not always an optional activity. Citizens have to read—or have someone else read—tax forms, applications for motor vehicle registration, governmental and commercial forms for this and that. Reading—at some acceptable level—is simply a requirement, a necessity for survival. And, at the first two tiers that is what we are talking about: the estimated range of 27 to 74 million Americans who lack the minimal literacy skills to cope with the demands of life.

The lack of coping skills is especially evident in our jails and penal institutions, places filled with disproportionate numbers of illiterates. How disproportionate? The Correctional Education Association's basic statistics paint a dismal picture. That association estimates that, on a daily average, 700,000 people are incarcerated in our nation's jails, prisons and juvenile facilities. Of those, 75 percent are functionally illiterate; 8 out of 10 incarcerated adults lack a high school diploma; and, 20 to 40 percent have handicaps that limit their educational development. Within this population other problems abound: 33 percent have serious drug problems; most lack—or have poor—employment histories; and, most were living at or below poverty levels.

The ranks of the unemployed—and the unemployable—also contain disproportionate numbers of illiterate and functionally illiterate citizens. And, while layoffs or unemployment can befall anyone, public assistance rolls are further evidence of the crippling economic effects of illiteracy and functional illiteracy.

According to the Adult Performance Level study conducted by the University of Texas in the early 1970s, 54 percent of the survey's adult subjects were judged to be either functionally incompetent or marginally competent. Thus, less than half (46 percent) of the adults evaluated were found to be proficient. The Adult Performance Level study (APL) evaluated a national sample of about 7,500 adults. It tried to measure a set of four primary skills—communication, interpersonal relations, problem solving and computation. The communications skills measured were the respondents' abilities to read, write, speak and listen. In addition, the overall APL assessment included an analysis of five general knowledge areas. Those areas included health, government and law, consumer economics, community resources and occupational knowledge. Although the sample was small—something like 1 out of each 15,333 adults—the results were disquieting. In a finding that should require no support

from a "study". APL data showed a correlation between income, employment status and performance competence: 79 percent of those who had family incomes under $5,000 were determined to be incompetent or marginally competent while only 34 percent of those with family incomes of over $15,000 fell into these groups. Fifty-seven percent of those employed were determined to be proficient while only 34 percent of the unemployed fell into that category. Of the subjects with less than 4 years of education, 94 percent fell into the incompetent or marginally competent groups. Perhaps more disturbing is the fact that the study found that 48 percent of those who had completed high school fell within these two groups (although only 11 percent of high school graduates were rated incompetent). Even among college graduates the study found that 20 percent were less than proficient.

The APL Study measured competence and thus its findings went well beyond simple measurements of literacy or reading levels. It represented an attempt to assess adult level reasoning and problem solving skills. Notwithstanding the fact that the study went far beyond reading level measurement and that it was based only on a small sampling of adults, its findings—like those of the later NAEP study—raise substantial questions about national levels of individual adult competence. Only one saving grace appears in the APL findings: with minor exceptions, levels of incompetence and marginal competence were highest for older Americans and, as the age brackets decreased, proficiency levels rose. That, at least, offers some solace for the future. And the future is what we should be concerned about in the literacy arena. Because illiteracy is not amenable to quick solutions, public institutions, policymakers and citizens alike should be especially concerned with the literacy achievements of younger Americans. This does not mean that we should ignore the population of illiterate adults. We can ill afford to do so for many reasons, not the least of which is the fact that the bulk of functionally illiterate adults will remain in the work force eligible age grouping for several more decades. Instead, it means that younger Americans constitute a group that we can do something about today; something proactive instead of reactive.

Recently, the National Assessment of Educational Progress released its evaluation of illiteracy. That assessment, entitled *Literacy: Profiles of America's Young Adults* opens with these prefatory words: "This study inventories the literacy skills of America's young adults, ages 21-25. By yesterday's standards the news is good: ninety-five percent can read and understand the printed word. In terms of tomorrow's needs there is cause for concern: only a very small percentage can understand complex material. While we don't have

a major *illiteracy* problem, we do need to improve the skills of most of our young adults. In other words, we do have a *literacy* problem." This statement needs explication. What it really seems to be asserting is that total illiteracy is not a major problem among the nation's young adults, but functional illiteracy is.

The introduction to the NAEP report states that, ". . .the important question facing our society today is not, 'How many illiterates are there?' but rather, 'What are the nature and levels of literacy skills demonstrated by various groups in the population?' " The authors put this question in perspective by providing the following brief but useful summary of the history of literacy measurement in America. "Historians have focused on two criteria as indicators of literacy rates in America before 1900: The first are counts of signatures taken from legal documents such as wills, marriage licenses, and deeds. The other is based on Census surveys beginning around 1840 in which people were simply asked whether they could read or write. After the Civil War, the focus was on tracking crude literacy rates among the emancipated Black Americans and among the growing number of European immigrants. At that point in our history, as the Industrial Revolution was well under way and as cumpulsory schooling was becoming a major concern, it made sense to ask 'What is the number of illiterate people in America?', because there were large numbers of individuals who had not reached even these most simple criteria."

"As formal education became an integral part of our society and we became more literate, more refined indices of literacy were developed; e.g., reading grade-level scores, years of education completed, and tests of 'functional literacy'. Still, the focus was on the number of 'illiterates' or 'functional illiterates', thereby maintaining the earlier simplistic distinction. Today, the information-processing requirements associated with the broad range of materials and purposes people have for reading require that our nation's focus on literacy shift from one of 'How many' to one recognizing the various types and levels of literacy characteristic of our society today. No longer can we rely on distinctions based on the simplistic notion that 'literates' and 'illiterates' can be neatly pigeonholed."

"From this perspective, in 1985 the National Assessment of Educational Progress (NAEP) assessed the literacy skills of America's young adults. NAEP used a wide variety of tasks that simulate the diversity of literacy activities that people encounter at work, at home, at school, and in their communities. In order to take account of the many points of view that exist regarding literacy, NAEP convened panels of experts who helped set the framework for this assessment. Their deliberations led to the definition of literacy

adopted: *Using printed and written information to function in society, to achieve one's goals, and to develop one's knowledge and potential.*"

Thus, the NAEP study, like the APL study from the previous decade, attempted to assess levels of what we might call "functional competence" rather than measuring nothing more than the capacity to decode written textual material at a given grade-level. The movement toward this more functional understanding of literacy is forward-looking and its educational implications are important for our nation's future. Here are the major findings of the NAEP study:

"Inevitably, smaller percentages of young adults are found to perform at increasing levels of proficiency on each of the scales. The fact that fewer and fewer individuals attain these moderate and high levels of proficiency is most pronounced for young adults who terminate their education early and for minority group members."

"Black young adults, on average, perform significantly below White young adults—by almost a full standard deviation. Hispanic young adults, on average, perform about midway between their Black and White peers. These differences appear at each level of education reported."

"Nearly half of the White and Hispanic young adults who enrolled in a GED (General Educational Development) program went on to attain the credential, compared with less than one-fourth of the Black young adults."

"Home-support variables (such as parents' education and access to literacy materials) were found to be significantly related to the type and amount of education and to the literacy practices reported by young adults. These, in turn, help to explain differences in literacy-skill levels."

"On average, young adults perform significantly better on the NAEP reading scale than do 17-year-olds. This suggests that further education and participation in society contribute to the improvement of reading skills represented by that scale."

"Only about two percent of this young-adult population were estimated to have such limited literacy skills that it was judged that the simulation tasks would unduly frustrate or embarrass them. Roughly one percent (or about half) of this group reported being unable to speak English."

"The English-speaking one percent, instead of attempting the simulation tasks, responded to a set of oral-language tasks. The comparatively low performance indicates that this group (about 225,000 people) may have a language problem that extends beyond processing printed information."

Although the NAEP study asserts that "illiteracy is not a major problem", it carefully limits that assertion to the young adult population between the ages of 21 and 25. And while NAEP found that the overwhelming majority of young adults could use printed information to accomplish routine or uncomplicated tasks, it also found, to its distress, that relatively small proportions were proficient in accomplishing tasks at the moderate and more complex levels.

Thus, the NAEP study's findings and conclusions indicate that even this relatively "optimistic" assessment contains warnings for the future. On balance, there seems little question that we indeed have a crisis. Whether that crisis is an "illiteracy" crisis, or a "literacy" crisis, will depend upon one's particular viewpoint or one's academic orientation. The distinction, however, should not obscure the fact that very large proportions of our population have extreme difficulties decoding written language. Whether one accepts the fact that there may be 78 million functionally incompetent or marginally competent adults, accepts the slightly better Coalition For Literacy figure of 74 million illiterate or functionally illiterate adults, accepts the lower estimates ventured by the Department of Education, or finds solace in the results of the NAEP study, the collective data confirm a consistent theme: we are, in the words of one major literacy study, "A nation at risk."

Within this brief Chapter we have attempted to assess the nature and extent of the nation's literacy problem. Literacy statistics, as well as literacy definitions, are shifting phenomena. Yet, the underlying message from the collective analyses and studies is, in our judgment, a consistent message: the risk is substantial. We turn now to an examination of what we, as a nation, have been doing through public and private programs to minimize that risk.

CHAPTER TWO

WHO WORKS AGAINST ILLITERACY?

Background

Within the very recent past literacy has become a prominent public issue. National awareness campaigns—and especially Project Literacy U.S. operated by Capital Cities/ABC, Inc. and PBS—have focused attention on the problem and have encouraged the development of literacy action coalitions. Major books—Jonathan Kozol's *Illiterate America* for example—and newspaper campaigns have also brought the literacy crisis to the public's attention. Heightened public awareness and increased public information about illiteracy have also been fostered by a host of private and governmental organizations in recent years.

But the problem of illiteracy is by no means a new problem. Nor are programs designed to lift literacy levels a new phenomenon. For years, a number of national literacy organizations have been waging literacy campaigns and conducting literacy programs in communities across the country. All too often, however, these programs have been hidden from public view. The work of literacy organizations—Adult Basic Education programs as well as volunteer literacy organizations—has always been remedial in nature. In contrast, the nation's educational systems—principally our elementary and secondary public schools—have always been involved in primary literacy work. Beginning in the 1960s, the federal government began to play a major leadership role in adult literacy improvement.

Governmental Programs: Federal

The federal government supports adult literacy programs mainly through the auspices of the Adult Education Act, P.L. 91-230, as amended. Through the Adult Education Act financial support flows to the states to help provide Adult Basic Education instruction, high school equivalency instruction (GED), and English as a second language instruction (ESOL). The Adult Education Act was not, however, the federal government's first foray into the literacy field.

During World War II the military developed and operated large scale remedial literacy programs, programs vital to the nation's war efforts. The armed forces remain involved in literacy work today. Indeed, increasingly sophisticated armament and weapons systems require literate servicemen and servicewomen. Prior to enactment of the Adult Education Act, the Manpower Development and Training Act and the Economic Opportunity Act supplied job training for the unemployed and provided state literacy grants designed to increase trainees' job opportunities. Collectively, these New Frontier programs represented the federal government's first broad, non-military program on adult literacy.

Two decades later the Adult Education Act remains the chief federal means for delivering literacy and basic skill training programs to adults. Federal funding for this program is about $106 million, supplemented by state and local funding which adds about $225 million. More recent estimates by the Department of Education put the combined total in excess of $400 million. Yet, the amount seems inadequate. How inadequate? A comparison puts the matter in perspective. Census Bureau data reflect that, since 1982, the nation's annual total school expenditures have been well in excess of $200 billion: $200 plus billion in school expenditures compared to about $325 (or even $400) million available for Adult Education Act programs. What does the money buy?

Through federal, state and local support, Adult Education Act dollars provide adult basic education to about 2.8 million (the most recent estimate is 3.1 million) students. The number of students served through ABE programs within school systems across the country seems impressive until one calculates that the number is, at best, about 11 percent and, at worst, about 4 percent of those who need the training.

Still, the Adult Education Act is not the only federal program aimed at lifting national literacy levels. In volume one of a report entitled *Literacy Management Information Project Report* (LMIPR), prepared for the Federal Interagency Committee on Education (FICE) by the Washington Consulting Group, Inc. (May, 1986), some 79 federal programs that have direct or indirect literacy components are listed. A table in that report indicates that "primary", "secondary" and "indirect" literacy components suffuse federal programs operated by ACTION, the Department of Agriculture, The Appalachian Regional Commission, the Department of Defense, the Department of Education, the Department of Housing & Urban Development, the Department of Health & Human Services, the Department of The Interior, the Department of Justice, the Department of Labor (Labor, it should be noted, administers the Job Training Partnership

Act, an act that provides an eight percent set aside for literacy training), the Library of Congress, the Tennessee Valley Authority, the Department of Transportation and the Veterans Administration. The Report reflects that collectively these federal agencies operate 8 "primary" literacy programs, 44 "secondary" programs and 27 "indirect" programs.

According to the Report, "identifiable" dollars expended for federal literacy activities amounted to about $332 million in FY 1984, $348 million in FY 1985 and $352 million in FY 1986. About 24.3 percent of these funds supported "primary" programs. A staff report from the House Subcommittee on Elementary, Secondary and Vocational Education has criticized the LMIPR Report's data and methodology, although LMIPR comments on the difficulties of trying to compute the actual amounts of federal funding for adult literacy programs.

One federal literacy activity deserves special mention. It is the Adult Literacy Initiative of the U. S. Department of Education. Begun in 1983, one of its purposes is to act as a national literacy coordinator. Created under the discretionary powers of the Secretary of Education, the Adult Literacy Initiative attempts—through its good offices—to enhance the reach and effectiveness of a wide variety of ongoing literacy programs and to promote the development of private-public sector literacy partnerships and coalitions. It is an important coordinator and catalyst for action.

Governmental Programs: State and Local

With support from the Adult Education Act, some 2.8 million men and women 16 years of age and over are served in Adult Basic Education programs conducted locally in the nation's states and territories. Instruction is offered by some 43,000 ABE teachers. Adult students are enrolled in adult basic, adult secondary and English-as-a-second language instructional courses. The Division of Adult Education, U.S. Department of Education, calculates that 42 percent of the program's participants are out-of-school youth between the ages of 16 and 24. And eighty percent of all participants fall in the 16 to 45 age grouping.

According to the Division of Adult Education, over 27 million persons received training under the Adult Education Act during the period 1968-1985 (fiscal years). The Division also reports, on a state-by-state basis, the race and ethnicity of adult basic and secondary students. For fiscal year 1985 the Division's data revealed the following breakdown: 0.9 percent American Indians or Alaskan Natives;

13 percent Asians or Pacific Islanders; 17.9 percent Blacks; 31.3 percent Hispanics; and, 36.9 percent Whites. For the same year 51.8 percent of the students were female.

Virtually every state and territorial jurisdiction has a state level Director of Adult Education, a position usually—but not always—housed within the State Department (or Board) of Education. State Directors help coordinate the work of some 66,500 state and local supervisors and administrators, teachers, counselors and paraprofessionals who work in adult education programs. Of this work force about 9 percent are full-time employees, about 52 percent are part-time employees and the remaining 39 percent are volunteers. Teachers constitute the bulk of the work force: they represent 56 percent of the full-time personnel, 80 percent of the part-time personnel and 46 percent of the volunteers. Adult Basic Education teachers, counselors, administrators and support personnel comprise the nation's largest literacy work force and provide about 90 percent of all adult literacy training, training usually conducted at local educational facilities and, increasingly, at community colleges.

Other Governmental Organizations

Within recent years both the National Governors' Association and the U.S. Conference of Mayors have organized Literacy Task Forces. The Conference of Mayors has published and distributed "Adult Literacy: A Policy Statement and Resource Guide for Cities" and the Governors' Association will be providing support for a major Policy Development Academy on Literacy.

National Literacy Organizations

An increasing number of national organizations have become involved in literacy work. They include professional associations and societies, "national" business and industrial concerns and others. We list here only a few of the national organizations engaging in activities that relate directly to literacy and we hasten to add that many other organizations are involved in a wide variety of literacy improvement efforts.

Volunteer-Based Organizations

Laubach Literacy Action

Laubach Literacy Action, headquartered in Syracuse, New York, is, in essence, the domestic action arm of Laubach Literacy International. Laubach Literacy International was created in 1950 but its roots go back to the 1920s with programs conducted by Frank C. Laubach, a world-recognized literacy pioneer. Founded in 1968, Laubach Literacy Action (LLA) is the nation's largest volunteer-based literacy organization, utilizing about 65,000 volunteer literacy tutors to teach about 70,000 students. Nationwide, LLA serves in over 700 communities. LLA provides instruction in basic literacy, English as a second language and math. LLA staff members at the organization's headquarters provide volunteer training and technical assistance and LLA resources include the New Readers Press—the publishing division of Laubach Literacy International—whose editors, in concert with LLA staff and volunteers, design instructional and volunteer training materials.

Literacy Volunteers of America, Inc.

Founded as Literacy Volunteers, in 1962 this national non-profit organization incorporated as Literacy Volunteers of America, Inc., (LVA). Headquartered in Syracuse, New York, LVA is a three-tiered organization, operating at the national, state and local levels. Its 16 member national staff develops and markets print and audio-visual training materials for literacy tutors and program managers, and provides technical assistance to state and local LVA programs and to many outside groups. LVA has ten state offices and local affiliates in 34 states deliver individualized instruction to LVA student clients. LVA, by design, relies upon trained, well-supported volunteers.

Reading Is Fundamental, Inc.

Reading Is Fundamental, Inc. (RIF) is a private, nonprofit organization founded in 1966. A youth reading motivation program, RIF allows children to select and keep books that interest them. Since 1966, RIF has distributed 78 million free books through this self-selection method. RIF's program is conducted by some 92,000 local volunteers: parents, teachers, librarians, business people and service club members who serve young people in schools, libraries, day care centers, correctional facilities and migrant farmworker communities. Core features of the RIF program are parental involvement and creation of a climate designed to make books and reading attractive. Today RIF has 3,161 projects that operate programs in

10,000 locations within 54 states and territories. RIF motivates children in order to create literate adults.

Professional Associations and Organizations

American Association for Adult and Continuing Education

Through its Adult Competency Education Unit and the Commission on Adult Basic Education, this Washington, D.C. based association, with some 6,000 members and subscribers, is a major legislative and public advocate for adult and continuing education. AAACE provides technical assistance services on a broad range of adult education issues and its institutional members include colleges, correctional institutions, extension and continuing education divisions of colleges, libraries and media organizations. It is a major actor in matters of adult literacy policy development and service delivery.

American Association of Community and Junior Colleges

Headquartered in Washington, D.C., this association has about 1,200 member institutions. While AACJC's agenda covers a full range of educational issues, many of its members provide adult basic skills training and AACJC distributes information about literacy and maintains information about the literacy training programs conducted by its member institutions. Increasing amounts of literacy training are being provided by the nation's community colleges.

American Library Association

The American Library Association (ALA), headquartered in Chicago, Illinois has a membership of about 40,000 libraries and librarians. Although ALA's interests and activities are wide in scope, it was a founding member of the national Coalition For Literacy and its members are active in the literacy improvement arena.

Coalition For Literacy

The Coalition For Literacy, in partnership with the Advertising Council and with major support from the U.S. Department of Education, General Electric, B. Dalton Bookseller and the Business Council for Effective Literacy operates a major literacy awareness program from its national headquarters in Chicago, Illinois.

The Business Council for Effective Literacy

Founded in 1983, the Business Council for Effective Literacy (BCEL) is a publicly supported foundation created to ". . . foster

greater corporate awareness of adult functional illiteracy and to increase business involvement and support in the literacy field." The BCEL produces a quarterly Newsletter for the business community, a newsletter that carries succinct, informative articles on adult literacy programs, issues and planning activities. Most importantly, along with useful background and issue stories, the newsletter contains very informative capsule descriptions of actual business involvement in literacy programs. This section of the newsletter, entitled "What Other Companies Are Doing" is extraordinarily helpful. In just one issue of the newsletter, the January, 1986 issue, this section contained information about the literacy initiatives being pursued by 85 business concerns across the country. This is a particularly effective way of spreading the word within the business community.

Organizations With National Interests in Correctional Literacy

There are many. We list only a few that have special interests in this field. Departments of Corrections within the several states, it should be noted, play important roles in the design and delivery of correctional education programs.

U.S. Bureau of Prisons

Based upon the recommendations of a special internal task force examining, inter alia, the federal prison system's education practices, the U.S. Bureau of Prisons formulated a set of comprehensive adult basic education policies. With some limited exceptions these new policies, adopted in the early 1980s, require mandatory 90 day ABE enrollment for all inmates, provide for a 30 day progress review for ABE enrollees, require completion of ABE and attainment of specified grade level competence as conditions precedent to employment at certain pay levels within the prison industries system. Currently, the Bureau utilizes a computer assisted instructional system in 31 of its facilities. This system uses a software curriculum developed by the Computer Curriculum Corporation of Palo Alto, California.

National Institute of Corrections

The National Institute of Corrections (NIC), U.S. Department of Justice, provides a wide range of technical assistance services in the correctional field. Recently it commissioned a major study of cor-

rectional literacy programs and its report, including information about exemplary correctional literacy programs, was being readied for publication when this Manual was being prepared. NIC is a valuable resource on a wide range of correctional issues, including correctional education.

American Correctional Association

With some 18,500 members the American Correctional Association (ACA), located in College Park, Maryland, is a multidisciplinary organization with interests and activities in all matters affecting corrections and correctional administration. In 1986 the ACA, with financial support from the National Institute of Corrections, conducted a series of regional Literacy Program Development Workshops for the corrections profession.

Correctional Education Association

Headquartered in College Park, Maryland, the Correctional Education Association (CEA) is the nation's largest correctional teacher and administrator membership organization. It has over 2,000 members and is an independent affiliate of the American Correctional Association. CEA conducts national, regional and state meetings dealing with correctional education issues for both youthful and adult offender populations.

Some Special Programs and Organizations

ABC/PBS Project Literacy U. S. (PLUS)

No listing of major contributors to literacy awareness would be complete without mention of Project PLUS. This remarkable, cooperative endeavor involving Capital Cities/ABC, Inc. and the Public Broadcasting Service (PBS) has, through major national and local ABC and PBS documentaries and programs, brought the literacy crisis to the nation's attention. PLUS, through its important outreach program made possible by financial support to PBS from the Corporation for Public Broadcasting, The John D. and Catherine T. MacArthur Foundation and others, has established 326 local PLUS Task Forces.

PLUS has inspired the development and airing of innumerable radio and TV literacy programs and messages and this awareness campaign has in turn helped make the outreach campaign successful. All of the nation's ABC and PBS stations are PLUS participants. In the Spring of 1987, at a national news conference in Washington, D.C., ABC and PBS announced the continuation of Project Literacy

U.S. through the Spring of 1988. This enormous program represents a national public service of the first magnitude.

Community-Based Organizations

Pioneers and New Frontiers: The Role of Volunteers in Combating Adult Illiteracy, a monograph prepared for The Business Council for Effective Literacy (May, 1985), states that while community-based organizations were not created to teach literacy, these organizations ". . . have the best track record for reaching adults with the lowest educational achievement." Community-based organizations (CBOs) are highly localized operations usually created to provide a wide range of basic social services within poor communities. As the author of *Pioneers and New Frontiers* points out, however, CBOs seem to have amassed good records in "reaching" the disadvantaged. Of even more import is *Pioneers'* assertion that CBO literacy program completion rates are 65-70 percent as compared with completion rates of 25-50 percent in more "traditional" literacy training programs. The Business Council's monograph hesitates to estimate the number of CBOs currently in operation, pointing out that CBOs are highly independent with infrequent ties to other programs or to national associations—with one major exception. Many CBOs belong to the Association for Community Based Education, an association located in Washington, D.C. Founded in 1976 this association has some 59 institutional members in 31 states. The Business Council's monograph also reports that ACBE has identified about 3,500 community-based programs that offer some form of literacy training.

Foundation For Children With Learning Disabilities

As we increase our knowledge of learning disabilities, mounting evidence suggests that appreciable percentages of illiterates may have undetected learning disabilities. The Foundation For Children With Learning Disabilities, headquartered in New York City—while concerned with a full range of learning disability issues and while but one of a number of national learning disability organizations—has devoted special attention to the linkages between learning disabilities and juvenile delinquency. The Foundation works with a host of juvenile justice agencies and with its support the American Bar Association's Child Advocacy & Protection Center has published *Representing Learning Disabled Children, A Manual for Attorneys*. The Foundation also supported development of *Learning Disabilities and The Juvenile Justice System, a Bench Book for*

Juvenile & Family Court Judges, published by the National Council of Juvenile & Family Court Judges.

A Note Regarding Literacy Technology

In several Chapters of this Manual we comment upon the technological revolution sweeping the nation, forecasting that this revolution will place increasing demands on work force capacities.

Traditionally, adult literacy training has been a "hands on", one-on-one, or small group endeavor. Pedagogical methods and techniques have been learned and perpetuated over the years. These methods have had some success, but success has been limited to reaching and teaching a small percentage of the nation's illiterate adults. Now, the scientific engines changing the face of American industry may have produced the technology that can, with appropriate adaptation, accelerate the scope and pace of literacy training.

No matter which expert estimate one relies upon, the scope of our illiteracy problem is daunting. If we must continue to rely solely on traditional tutorial regimens, remediation of the national problem is a task of monumental size. If, on the other hand, technology affords the hope for an exponential increase in "teaching resources", a still major but less protracted struggle seems possible. For years, technology has played a part in literacy training. The Kentucky Educational TV GED Program was one of the video innovators, developing and distributing adult literacy and basic skills programs. A new "Learn To Read" video has been produced in Detroit and KCET in Los Angeles is at work on "The American Ticket", an ambitious basic skills television program for adults.

But technology has gone far beyond video programming. The Control Data Corporation produced and marketed the PLATO system, a computerized basic skills curriculum, the Remediation and Training Institute of Washington, D.C. developed a computerized system called CCP (Comprehensive Competencies Program) and, as mentioned earlier, the Federal Bureau of Prisons employs a computer assisted adult instructional system utilizing a software package produced by the Computer Curriculum Corporation. These are but a few examples. More recent developments also deserve mention, for they are efforts to harness technology to a cart that for too long has been pulled by a small and dedicated corps of teachers and volunteers who have labored in underfinanced programs.

Developed by an educator, Dr. John Henry Martin, and marketed by IBM Corporation, the Writing to Read program and the Principle of the Alphabet Literacy System offer a computerized approach to

literacy training for children, adolescents and adults. Writing to Read was developed first and concentrated on preparatory literacy training for children at the kindergarten and first grade levels. Building on that program, Dr. Martin developed the Principle of the Alphabet Literacy System, a basic adult literacy program designed for persons 15 years of age and older who read below a sixth-grade level. Unlike earlier computerized systems, this one is multisensory and highly interactive. Utilizing IBM's InfoWindow touch screen technology, students can control the flow of information, review or repeat instructions and learn basic word attack skills at their own pace. A complete "Principle System" learning center resembles a high technology business setting rather than a classroom. A "Principle System" class can accommodate up to 16 students whose progress is monitored by a trained instructor. The course can be completed in 90–100 hours or in about 20 weeks of daily, one-hour sessions. Early results, according to officials of IBM, are encouraging: many students have increased their reading level by almost three full grades. Time and additional evaluation will determine whether this early success can be sustained.

Videos, established computerized systems and the newer IBM InfoWindow technology are resource additions in a field where resources have always lagged behind needs. We mention these products of technology not to endorse them, but to underscore the fact that they can serve as literacy training multipliers, as extra resources to buttress and supplement the work being done by adult basic education programs and volunteer literacy organizations.

Other interesting and potentially revolutionary educational developments are underway. Recently, the Xerox Corporation established a new, non-profit institute that will use artificial intelligence (a programming technology that enables computers to reach conclusions the way humans do) to study the means through which humans think and learn. Associated with the Xerox Palo Alto Research Center and the University of California's Graduate School of Education at Berkeley, the Institute For Research On Learning will examine the ways through which artificial intelligence can create new kinds of apprenticeship learning or "learning by doing". The Xerox Corporation's endeavor, according to its CEO is an attempt to "Look at new approaches to learning to help those who are not being served well by our education system". In contrast with traditional theories of learning, Xerox research suggests that by employing artificial intelligence, those who have not acquired basic skills by the sixth grade—the so-called "untrainable"—can be trained to be productive.

Summary

Who works against illiteracy? Not enough of us. This Chapter has outlined some of the major public and private literacy efforts currently in operation. The outline is by no means complete: service clubs, churches, United Way organizations and many other individuals and groups do their fair share and more. Yet, while many worthwhile programs are doing much, it should be apparent that public and private literacy improvement efforts must be expanded and accelerated.

No dispute about the range of governmental adult literacy programs nor the extent of their funding should obscure the fact that public resources for adult literacy remain meager. In a sea of illiteracy, the difference between $325 million and $400 million is insignificant. Not enough of us work for literacy: not enough teachers, volunteers, parents, businesses—nor enough lawyers. The fiscal and human resources currently employed will not get the job done. Bar associations can help and the next Chapter explains why the bar should be involved.

CHAPTER THREE

WHY SHOULD THE BAR BE INVOLVED?

Currently, the American Bar Association numbers some 339,000 members. Nationally some 676,000 men and women are practicing law. Many belong to national, and virtually all belong to state and local, bar associations. Organizationally and administratively, the nation's bar associations are equipped to mobilize the advocacy skills and talents of their members. As of October, 1985 the nation's state bar associations alone had some 677,000 members and, collectively, employed over 1,500 staff. Additionally, over 300 local bar associations have memberships of 100 or more lawyers—and over 200 local bar associations have membership rolls of 300 or more lawyers.

Traditionally, lawyers have involved themselves in issues of overriding public importance. There seems little question that the literacy problem is such an issue. Having reviewed the problem with the benefit and counsel of literacy organizations and experts, the Task Force is convinced that the nation's current literacy levels should be a matter of concern to the organized bar and to individual lawyers.

We believe that the bar and its members should become well-informed about all aspects of literacy. Clearly, lawyers and judges who spend their working lives within the criminal justice system have every opportunity to work toward the development of better correctional education programs for both adult and juvenile offenders. Just as clearly, the profession has reason to monitor the effectiveness of current programs and to offer its good offices in joint and cooperative efforts to develop new and more promising correctional education programs.

We also believe that the organized bar has a compelling interest in education in general, and not just "correctional" education. Bar associations and individual lawyers alike occupy positions of influence within their communities and have special reasons for insuring that our educational systems are producing young men and women capable of performing the duties of citizenship.

Lawyers whose skills are devoted to the practice of business and corporate law have equal reasons to be involved in the support of

literacy programs. Employers across the country are confronted by the problem of workplace illiteracy and the adequacy of the nation's workforce is a matter of national concern.

Most importantly, we believe that lawyers should be aware of the extent to which illiteracy contributes to a range of social ills that plague many—if not all—communities across the country. If one includes functional illiteracy, there is clear indication that this cognitive incapacity relates—at least indirectly—to crime and juvenile delinquency, to criminal recidivism, to unemployment and underemployment, to teenage pregnancy, to welfare dependency, to drug abuse and, sadly, in this land of opportunity, to the poverty of spirit which is the natural product of low self-esteem.

For American lawyers, educated to believe in the law's regard for human dignity, this should be the worst waste. It should also be sufficient to prompt their action as individuals in concert with their bar association leaders and colleagues. There seems little question that bar associations can contribute. In the following Chapter the Task Force sets forth some specific ideas regarding the kinds of programs bar associations might undertake to help alleviate illiteracy in America.

CHAPTER FOUR

WHAT BAR ASSOCIATIONS AND LAWYERS CAN DO

Since beginning its work in September, 1986, the Task Force has received inquiries from a number of bar associations and from many individual lawyers as well. Virtually all of those inquiries have ended with a question: "What can we do to help?" That question is the focus of this Chapter. In the sections that follow, the Task Force attempts to catalog and describe a wide range of practical literacy support programs that may prove suitable for implementation by state bar associations, local bar associations and even by individual lawyers. Although the Chapter is divided by "state bar association, local bar association and individual lawyer" headings, these divisions are somewhat arbitrary. In cataloging and describing program ideas the Task Force tried to identify the kinds of programs most suitable for particular organizations and for individual lawyers. We recognize, however, that these distinctions may be artificial and that some "local bar associations"—major urban and metropolitan associations for example—might well wish to implement programs described herein under the "state bar association" heading and that, in turn, our proposed catalog of "local bar association" programs may well contain ideas attractive to state bar associations. In short, we hope bar associations will pick and choose from these listings of practical public service ideas—ideas that can be adapted to meet the bar's special jurisdictional needs regardless of the "state", "local" or "individual" labels under which the separate program suggestions appear.

In developing this *Lawyers For Literacy* manual, the Task Force sought the views and advice of a wide range of literacy experts and organizations. That advice was invaluable. It persuaded the Task Force that bar associations and lawyers can play important roles in literacy work. It also convinced the Task Force that literacy organizations and programs—and especially those at the local level—will profit from the involvement of lawyers. Most importantly, discussions with literacy groups and experts prompted the Task Force to develop a catalog of program ideas designed to support and

enhance the work currently being done by literacy organizations and programs throughout the country. Accordingly, the program ideas within this manual stress the organized bar's capacity to encourage lawyer participation in such roles as literacy broker, board member, catalyst, organizer, recruiter, information clearinghouse, legal advisor and the like. The manual does not suggest that lawyers have special skills that would make them, as lawyers, especially fit literacy tutors or instructors. Some lawyers, no doubt, will be interested in literacy tutorial work and will possess the skills necessary to perform that work effectively. For the most part, however, the Task Force felt that bar associations and lawyers alike could contribute best by confining their contributions to the delivery of legal and "law-related" support services for literacy organizations. And that is the thrust of the following program suggestions for state bar associations, local bar associations and individual lawyers.

Literacy at the State Level

A State Opportunity for Bar Public Service Leadership

State bar associations, led by experienced bar leaders, armed with professional staffs and equipped with modern communications systems, have ready access to the inner offices of government, business and industry. The prestige, as well as the administrative sophistication, of state bar associations places the profession in a favorable position to provide state leadership on a host of public policy issues. Indeed, state bar associations across the country exercise that leadership continually on a wide range of matters that have public—as well as professional—import. This Manual suggests that the state bars' prestige, competence, organization and ability to "get things done" can and should be utilized to promote, foster and support unified, statewide literacy initiatives.

The American Bar Association's Task Force on Literacy believes that the organized bar can do much to stimulate public action and the Task Force believes that without increased public awareness and action, current and laudable literacy improvement programs will continue to struggle along—helping some but missing the larger audiences of illiterate and functionally illiterate citizens who must be reached if national inroads are to be made. We need not repeat here the dreary litany of statistics, but we can assert that no state lacks its population of illiterates. While some regions and some states do better than others—and while some states have made remarkable progress in mobilizing resources to redress what should

be a most fundamental grievance in the 1980's—the problem of illiteracy blankets the land from Hawaii to Connecticut, from Alaska to Florida. It would be unfortunate if some took pride in their state's being one or ten percent "better" than their neighbors when, as Americans, we live in a land where our national rate of illiteracy is allegedly three times the rate for the Soviet Union and five times the rate for Cuba.

The Task Force is convinced that the literacy crisis confronting the country is a real crisis. For confirmation of its reality we lawyers need look no further than American business. Educators may bemoan the numbers of ill-prepared students being produced. Indeed, they have done so for many years now. As lawyers perhaps we have been deaf to that message and to its implicit warning. But look at what business and industry are doing now. Expensive and expansive programs are being instituted by business institutions. The nation's corporate giants are spending money on basic education because they cannot get literate workers and because illiterate workers are unproductive and potentially dangerous. Profit and loss dictate business decisions, for businesses live in the real world of commerce. Businesses are concerned about the problem—and increasingly they are trying to combat the problem. Business action to combat illiteracy in the workplace constitutes "best evidence" testimony as to the reality of this pervasive national problem. As lawyers we should heed this evidence.

How State Bar Associations Can Help

During its deliberations the American Bar Association's Task Force on Literacy has concluded that literacy is everybody's business. Illiteracy is not simply a family problem, a school problem, a welfare problem, an employer problem, a government problem. Its scope is both public and private and its redress will require concerted, cooperative action. No magic will make it disappear; hard work by coalitions—business, government, the professions, educational systems, families, unions and the public at large—offer the only sensible solution to the problem. Active coalitions of concerned citizens are, we believe, the nation's best hope for coping with a problem which—if unaddressed—will have geometric impact upon our political and industrial future. State bar associations are perfectly situated to support and strengthen existing literacy coalitions or, where such coalitions do not exist, to provide the leadership necessary for creating literacy coalitions. What can state bar associations do to help? On the following pages of this Chapter we

set forth a variety of literacy improvement initiatives particularly suitable for operation at the state level. The program initiatives are "ideas" and bar leaders will, no doubt, be able to shape, adapt and improve upon them to fashion effective action programs in every state.

One very important caveat needs to be mentioned. Many literacy activities are under way in many states. While we believe the program ideas within the Manual both sound and useful, bar leaders should consult with state literacy organizations and experts before undertaking specific programs. There is no point in duplicating programs already in existence and Ockham's razor should cut deeply in the literacy field, a field marked even today by meager resources. With this overriding caveat, here are some of the things that state bar associations can do to help.

STATE PROGRAM IDEA ONE

State Bar Association Literacy Action Commissions

State bars wishing to provide leadership in a public service area of great importance should consider the creation of State Bar Association Literacy Action Commissions. This form of activity would be especially appropriate in those states currently lacking any form of central, statewide literacy activity coordination mechanism. This program idea affords an opportunity to coordinate a state bar association activity with an important new national undertaking in the literacy field. Through the good offices of the National Governors' Association, the Council of State Policy & Planning Agencies, headquartered in Washington, D.C., is launching a year-long "Policy Development Academy" on the subject of adult literacy. This extraordinary, in-depth inquiry will involve the participation of highly expert teams from 10 or more states.

Although final state participants had not been selected when this Manual was prepared, bar leaders can quickly determine whether their state is a participant by contacting the Governor's Office. If the state is a participant, bar associations opting to initiate a State Bar Association Literacy Action Commission would want to consult with the state's "Policy Development Academy" team prior to proceeding. In non-participating states, bar associations forming Literacy Action Commissions would want to forward reports on their progress to the Governor's Office so that those reports would find their way to the national "Policy Development Academy". The "Academy" is an important undertaking and its findings and reports

will, no doubt, help establish state policies for coping with the problem of illiteracy.

Bar leaders and executives opting for this form of bar activation project would be engaging in a high-visibility—and highly important—public service endeavor. The bar, as well as the public, would be beneficiaries of such a program. On the assumption that state bar association constitutions and bylaws so permit, bar leaders would want to consider the creation of interdisciplinary Literacy Action Commissions in order to involve leaders from business, education and government in the state bar's action program.

The Task Force is convinced that State Bar Association Literacy Action Commissions could contribute immeasurably to the final creation of comprehensive public and private programs designed to bring an end to illiteracy. We believe that this is a legitimate role for state bar associations and we further believe that well-publicized state bar involvement will serve as a catalyst at the state level.

A successful state bar association literacy program will not be long sustained unless that program receives: (1) "visible" endorsement from the association's leadership; (2) backup support from the association's staff; and, (3) continuing guidance from a specially created blue-ribbon action commission. While the name or designation of such a bar unit (Committee, Standing Committee, Commission, etc.) is of little importance, its membership, its charter and its tenure are important.

Utilizing this manual's "program ideas" a state bar association could select a handful—or all—of those ideas as potential areas for bar action. Having done so, the bar could create a Literacy Task Force, charging that Task Force with the responsibility of mapping out a proposed two or three-year literacy agenda for consideration by the bar's board of governors. This kind of Task Force could—within 30 to 60 days—meet with leaders from state and local literacy organizations (using the ABA's National Directory of Literacy Programs as a resource); make recommendations regarding the membership of a State Bar Literacy Action Commission; make recommendations as to whether the action commission should be interdisciplinary or limited to bar members; estimate the overall costs for a two or three year bar program; and, report its findings and recommendations to the board of governors.

The final mandate for a State Bar Association Literacy Action Commission would be to plan and oversee each and every literacy program undertaken by the state bar association. Action Commissions, if they are indeed action-oriented, will require funding for meetings, for conducting surveys, for promoting literacy activities and for developing long-range action plans. This kind of program

will, in most states, require state bar association staff support (or, in lieu of professional staff support it would require the pro bono contribution of significant amounts of lawyer time). A long term commitment is important: illiteracy will not go away overnight and staying power will be a key factor. A more time-limited and less comprehensive variation on this program idea is set forth in State Program Idea Ten. Some associations may wish to combine the two ideas.

STATE PROGRAM IDEA TWO

State Legislative Coordinating Councils on Literacy

State bar associations can organize formal or informal State Legislative Coordinating Councils on Literacy, bringing together all concerned groups in order to develop comprehensive proposals for attacking illiteracy at the state level. Coordinating groups like this need not develop high-cost, bureaucracy-laden schemes for dealing with the problem. Instead, they can conduct thorough inquiries to measure current public and private resources and programs. They can develop long-range plans for combining public and private programmatic resources into comprehensive state action plans, and, when their analyses so warrant, they can prepare "White Papers" for the consideration of legislators and policy makers.

These kinds of Coordinating Councils should be broad-based and should include representatives from state and local government (specifically including educators), business and industry (specifically including management and labor), the professions and representatives from public and private literacy organizations. Bar Associations wishing to establish State Legislative Coordinating Councils on Literacy should also seek the participation of correctional and judicial officials and representatives from social service organizations and agencies who regularly have contacts with illiterate citizens.

This kind of bar sponsored Council can serve as a fact finder. It could, for example, analyze the state's current literacy resources. Next, based upon a series of formal or informal hearings it could identify factors that act as barriers to literacy improvement efforts. What kinds of "factors"? Do the state's public and private literacy improvement institutions receive prompt notice regarding governmental and private funding sources? Are the state's eligible recipients applying for and receiving public and private funding at acceptable rates? Are there urban areas within the State where levels of public transportation service make it difficult for literacy students

to attend tutorial sessions? Are adequate child care services available to facilitate parental attendance at literacy training programs? Do public welfare and other social service agency personnel have adequate training to assist them in identifying clients with literacy problems? And do those agency personnel have accurate, up to date information to enable them to make referrals to appropriate literacy programs? The list of questions could go on.

Such a Council, following its fact finding endeavors could also prepare a legislative White Paper on Literacy, outlining the steps that the organized bar might take to support meritorious legislative initiatives being suggested by literacy organizations or by coalitions of organizations interested in literacy improvement. A bar sponsored White Paper on literacy might also explore new ground. Are there, for example, ways through which states and their political subdivisions might give tax incentives to businesses that offer literacy training to their employees? Are there ways through which public assistance programs might offer "bonuses" to recipients who successfully complete literacy training programs and, after completion, find employment? (The latter suggestion, we are pleased to report, came to the Task Force from a group of schoolchildren at the Randall School in Madison, Wisconsin. These children were participants in a special Statewide "Future Problem Solvers" competition dealing with the issue of illiteracy. They won the state competition.)

Legislative Coordinating Councils on Literacy could also provide technical assistance to state and local literacy organizations. Technical assistance services might include explanations of legislative matters affecting the operations of literacy service providers. Technical assistance could also include advice and guidance on legislative advocacy methods and techniques. Many local literacy organizations are unschooled in such matters and would profit from instruction by lawyers.

Costs will, of course, vary from state to state. Still, overall costs should be modest. Bar leaders and executives would want to budget for administrative costs for setting up the Councils (including line items for telephone, supplies, correspondence and the like). In addition state bars would want to estimate the costs that might be involved for hosting two or three Council Meetings per year (here costs might include meeting space rental, luncheons, meeting materials and the like). State bars might also wish to budget for the reimbursement of meeting travel expenses for those Council members representing low-budget public and private literacy organizations. And finally, state bar leaders would want to include as a program cost the full production costs of the Council's annual report or "White Paper."

This is the kind of activity that may well attract supplemental funding from business and industry.

STATE PROGRAM IDEA THREE

Brokering Establishment of Higher Education Consortium on Literacy

State bar associations could undertake special efforts to help create a state higher education consortium to explore the full range of literacy improvement services that might flow from college and university resources. The consortium would include public and private universities and colleges as well as community colleges. Although many colleges and universities—both public and private—engage in a variety of community and public service activities, their active and unified involvement in the development of statewide literacy improvement efforts would be highly desirable.

In virtually every state, institutions of higher education have impressive resources: highly talented, interdisciplinary faculties, research and development capacities, modern facilities and thousands upon thousands of students. Schools of Education, located within the states' institutions of higher education, are one of the logical sites for the development of "literacy tutor training programs", programs which could utilize college students, retired persons and other volunteers as literacy tutors in elementary and secondary schools, state institutions, churches, literacy organizations and even in workplace settings. Formal "literacy extension programs" could be operated by colleges and universities utilizing these various pools of trained volunteer tutors. This is but one service that universities and colleges could provide. The research and development capacities of Schools of Education, Departments of Sociology, Psychology, Linguistics, English and so forth, are rich resources for a wide variety of new approaches. In short, each state's academic community—an active consortium of educational leaders from community and junior colleges, colleges and universities—could bring a formidable array of intellectual and experiential resources to the literacy arena.

Bar leaders can help broker this kind of higher education literacy consortium by suggesting the development of, for example, the following kinds of higher education literacy initiatives:

1. Development and operation of "Student Literacy Tutor Programs" within the state's institutions of higher education. Such programs could provide course instruction to equip students to be literacy tutors and could then require that a second semester be

devoted to a fixed number of hours of actual literacy tutorial work by the students. Institutions could offer the courses for credit (or, if financially able, could pay students small stipends in lieu of credit: the variations are infinite). Students could elect to perform tutorial service from a list of cooperating institutions and organizations—elementary and secondary schools, community-based organizations, and other public and private institutions. With proper training, and with appropriate monitoring and control, student populations represent a large potential army of literacy trainers. Moreover, they represent a potential army of trainers that could assist other organizations in providing basic instruction in reading, writing, and mathematics.

2. Expansion of the "Student Literacy Tutor Programs" to include college course instruction for special, non-degree students who, upon completion of training, could become "certificated" literacy tutors. What kinds of students? Retirees, for example. The American Association of Retired Persons, headquartered in Washington, D.C. has a national membership of some 22 million. AARP is currently conducting its own campaign to interest members in volunteer literacy work. Each state's institutions of higher education provide a logical locale for training such volunteers. And, with the bar's help, it is conceivable that private organizations, business and industry, might be encouraged to provide financial assistance to support this kind of initiative.

These are but two examples of the kinds of programs that could be developed by a Higher Education Consortium on Literacy. The bar can play a leading role in advocating the creation of this kind of higher education consortium.

STATE PROGRAM IDEA FOUR

State Bar Association Literacy Hotlines

In some states citizens interested in obtaining information about adult literacy programs, about remedial reading programs for juveniles and about a full range of basic adult education programs may be confronted with a formidable task. Notwithstanding the public awareness campaign waged so successfully by Project Literacy U.S. and notwithstanding the promotional activities of a host of public and private literacy agencies and coalitions, additional literacy information and referral services are necessary in many communities across the country. State bar associations are well situated to provide, or to assist other organizations in providing, this kind of statewide information service. Armed with the ABA's National

Directory of Literacy Programs, state bar associations can quickly survey the extent to which adequate hotline and other literacy information services are currently in place. The survey step is an important one for, as we have mentioned before, there is no point in duplicating existing literacy services.

This kind of state bar association public service program could be operated by volunteer workers. Indeed, it presents an opportunity for bar leaders to draw upon the services of members of the American Association of Retired Persons (AARP) and other groups. In essence, the delivery of this public service would require no more than office space, phone banks, "operators" and—most importantly—an up-to-date statewide directory of literacy programs. The mere act of creating the service should encourage public and private organizations to help create a comprehensive state directory in those states where such materials may not now be available.

Costs for this proposed program should be modest. Staff, office space, office equipment and phones would comprise the regular, ongoing costs. Bar associations wishing to reduce operating costs should explore the possibility of utilizing volunteer phone operators. The use of volunteers would expand the program's capacities and appreciably reduce out of pocket costs. Full-time phone operators and necessary office space and equipment could entail appreciable expenses. Costs could be reduced significantly by using volunteers. Bar associations interested in running this kind of hotline information service, or interested in helping other organizations run this kind of service, should also budget for advertising and promotion. Bar associations could anticipate that promotional activities would receive preferential treatment from newspapers and television stations. Nevertheless, a promotional line item should be included in estimating the program's overall costs.

STATE PROGRAM IDEA FIVE

State Bar Association "Immigration Literacy" Information Services

As an adjunct to the Literacy Hotline suggestion in Program Idea Four, state bar associations—especially in those states having high levels of undocumented or otherwise illegal aliens—should be alert to the literacy impact of the new Immigration Reform and Control Act, P.L. 99-603. Although final INS regulations had not been published at the time this Manual was prepared, it is clear that an undocumented or otherwise illegal alien who makes a timely application for legalization and fulfills the requirements of the statute

may be granted temporary resident status by the Attorney General. Temporary resident status is, however, time-limited and, in order to obtain permanent resident status any heretofore undocumented or otherwise illegal alien must fulfill other requirements. One of those requirements relates directly to literacy. Under the provisions of section 245A (b) (D) of Title II, P.L. 99-603, the alien must demonstrate that he either "(I) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or (II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States." Note that section 312, as amended by P.L. 95-579, required—as a condition precedent to naturalization—"an understanding of the English language, including an ability to read, write, and speak words in ordinary usage in the English language . . ." That amendment also made clear that the test would be met if the applicant "can read or write simple words and phrases."

Under the provisions of section 245A of P.L. 99-603, the Attorney General has the discretion to waive these "literacy" requirements in the cases of aliens 65 years of age or older. Bar associations and lawyers should note, however, that adjustments to permanent status have definite time limitations. The alien must apply for such an adjustment during a one year period that commences nineteen months after the alien was granted temporary resident status. And it is during this one year period that the alien must demonstrate the English literacy, and the U.S. history and government, competencies.

Under these provisions of the new Immigration Law many will seek legalization and it is possible that in some areas of the country the demand for ESOL training (English as a second language) could experience a sharp rise. In some parts of the country (California, Texas, Arizona, Florida and the like) lawyers are going to be inundated with clients seeking advice on legalization. In serving those clients lawyers should be aware of the English literacy requirements which, if unfulfilled, will jeopardize the clients' rights to permanent resident alien status. Bar associations developing programs to meet the demands of the new Immigration Law should not neglect the English literacy training requirement.

To help address this need, state bar associations could provide special "Immigration Literacy" information services for members of the bar, for employers, for social service agencies and for aliens seeking legalization. These services could be provided in a variety of ways. Bar associations could publish a special pamphlet on the

literacy and education requirements of the Immigration Law for lawyers and for the target alien population. An important feature of such a pamphlet would be a directory of available literacy programs. Alternatively, a state bar could publish this kind of information (including a program directory) in its journal. Some associations might wish to create, or to help support, special "Immigration Literacy Hotlines"—special phone information services where bilingual operators could direct aliens to appropriate literacy training organizations. Other associations might wish to consider broadcasting this kind of information through a series of public service television announcements or through bilingual notices that could be displayed in supermarkets, fast food restaurants, places of employment and the like. In jurisdictions where the numbers of undocumented or otherwise illegal aliens are so appreciable that they could exceed the forecasted capacities of available literacy training programs, bar associations could provide leadership by creating coalitions of literacy organizations, adult basic education administrators and state and local officials to address this deficiency (current informed estimates place the potential population of those who may seek legalization in the two to four million range). This would be an important service—a service directly related to the lawyer's role in providing legal services to those seeking legalization under the new Immigration Law.

Costs for most "immigration literacy" information services should be relatively low and, of equal importance, the services would be time-limited. In addition, some of the special "immigration literacy" information service programs would present an opportunity for state and local bar association cooperative action.

STATE PROGRAM IDEA SIX

State Bar Association Literacy Speakers Bureau

There is little question that public awareness regarding the nation's literacy crisis has increased within the past year. PLUS has been a major factor as have the hundreds of "literacy" articles that have been featured stories in the print media. Notwithstanding these major efforts, more needs to be done. And the Task Force believes that more needs to be done at the state and local levels. Bar associations can play an important role by organizing and operating "literacy speaker bureaus"—bureaus comprised of highly informed people—and by publicizing the existence of these bureaus. Advertising the bureau through press releases, news conferences, public service television ads—and through special announcements to school

systems, PTA organizations, churches, social service organizations and the like, the bureau would undertake to furnish literacy speakers before public and private groups. The bar association's panel of literacy speakers could be gathered from literacy experts already at work within the state and from informed members of the bar.

The purpose of the program would be to see to it that a network of informed speakers would be available to address public and private organizations interested in literacy and interested in learning how they can participate in literacy improvement programs. With some imaginative advertising and recruitment effort a state bar association should be able to create and operate this kind of speaker's bureau—operate it in a way that should keep its costs minimal. The key to the program would be its ability to enlist the services of volunteer speakers. The costs, other than modest amounts of bar association staff time, would be limited to survey work and program advertising. Here again, enterprising state bar associations might find that public service television stations and the print media would be willing to promote the program at their own expense.

STATE PROGRAM IDEA SEVEN

State Bar Association Public Service Advertisements

State bar associations looking for ways to fulfill their public service responsibilities will look hard before finding a better, more important topic than literacy. There is no negative—no "down side"—to the literacy issue. State bar associations, singly or in concert with organizations such as the Advertising Council, could undertake a professionally produced promotional campaign to foster greater literacy awareness. The scope or direction of a state bar association literacy advertising campaign will be limited only by the bar's budget and the bar's imagination. "Spot" television commercials could be particularly effective in attempts to recruit literacy students—an especially difficult chore according to those who have great experience in the field. The recruitment task is not one for lawyers: it will take the combined efforts of educators, psychologists and "street smart," experienced community organizers and workers to package the kind of appeal necessary to attract illiterates into literacy training programs. But state bar associations could play a leading role in creating coalitions to provide financial support for state and local television spot ads urging illiterates to take advantage of existing programs.

This kind of state advertising campaign could dovetail nicely with the ongoing national and local public awareness campaigns being

conducted under the auspices of Project Literacy U.S. Local ABC affiliates and local PBS stations would be excellent—and necessary—consultation sources. They have already done much public awareness work and should be able to suggest particular public awareness ventures appropriate for bar associations. Their advice should be sought.

STATE PROGRAM IDEA EIGHT

State Bar Association Standing Committees on Correctional Education

Criminal recidivism rates continue to plague criminal justice systems and communities alike. Not surprisingly, rates of functional illiteracy among incarcerated adult offenders are disproportionately high. Moreover, in many correctional systems institutional impediments to meaningful education are endemic. Frequently, those impediments are simply by-products of the institutional need for security within jail and penitentiary settings. Yet, common sense alone tells us that those who enter a correctional institution unable to read and write stand little chance of finding gainful employment upon release absent some effective form of literacy intervention. Correctional officials, administrators and educators alike point out that the problem of correctional education is one of motivation. Some systems have "motivational" advantages. The Federal Bureau of Prisons, for example, pays relatively decent wages to prisoners who work within its prison industries program. But prisoners who work within that program must be educationally qualified. Because wages offered are desirable, the Federal Bureau of Prisons has a built-in motivational system that helps it recruit students. The same motivational advantage does not commonly prevail within state systems. While literacy training may not be the panacea for criminality, it is apparent in juvenile and adult correctional institutions alike that startling numbers of detainees and convicted offenders are functionally illiterate. The incidence level, up to 75 percent, is such that renewed efforts must be made to identify, publicize and replicate existing, effective correctional literacy programs. State bar associations, we believe, can play an important role in supporting such efforts in cooperation with State Departments of Corrections and in concert with educational institutions.

To begin this effort—an effort already receiving official attention in some of the several states—we suggest that state bar associations create Standing Committees on Correctional Education and charge those committees with the task of enlisting the support of the state's

institutions of higher education for the purposes of conducting additional research projects, identifying model programs and undertaking on site testing of correctional literacy training curricula in cooperation with State Departments of Corrections.

The Task Force believes that this type of program merits the support of the organized bar, the judiciary, correctional administrators and college and university departments of education. Costs for this type of forward looking research, development and dissemination program are difficult to estimate. State bar associations undertaking these kinds of efforts should work in close cooperation with educational institutions in developing comprehensive proposals—proposals that might attract technical assistance services and possible funding from such organizations as the National Institute of Corrections, major foundations and philanthropic organizations or from business and industry.

State bar associations interested in pursuing a special correctional literacy program might reasonably divide a Standing Committee's work into juvenile and adult correctional education spheres. Initial Standing Committee inquiries could focus on fact finding tasks. For example, what is the extent of diagnostic testing administered as part of the juvenile and adult intake process? How much of the classification process focuses on literacy and basic adult education needs? What kind of administrative leverage is available to encourage juvenile and adult offenders to enroll in remedial classes? What incentives are offered to encourage enrollment? To what extent are the state's courts employing alternative sentences to deal with problems of illiteracy among offenders—both adult and juvenile? What teaching techniques and methods are employed? What kind of classroom facilities and what kinds of equipment and materials are available? How many qualified consultants with expertise in psychology, education, law-related education and the like are available on a regular basis to review and evaluate correctional education programs for correctional administrators? How good are current longitudinal studies "tracking" the results of special correctional education programs? To what extent are efforts being made to focus correctional education programs on practical, "real world" survival skills? To what extent is every part of the system doing its utmost to enroll offenders in meaningful, practical basic education programs? These and other questions are more than germane.

Bar associations interested in pursuing this correctional literacy initiative will find a variety of background information available from such organizations as the Federal Bureau of Prisons, the National Institute of Corrections, the American Correctional Association and the Correctional Education Association. The Correctional Educa-

tion Association has a national membership and state bar associations pursuing this program would want to consult with local CEA members as well as with officials from the State Department of Corrections. In addition, bar leaders would want to have the benefit of the National Institute of Corrections survey of exemplary literacy programs, a survey based on site visits and evaluations. That survey identifies correctional literacy programs of outstanding quality in Colorado, Kansas, Maryland, Michigan, New York, Ohio, Washington and in the federal prison system. The NIC survey will be a valuable resource.

Bar Association's undertaking correctional literacy programs should also be aware of the correctional setting applications of P.L. 94-142, the Education of All Handicapped Children Act. In brief the Act requires that all handicapped persons 21 years of age and under must be provided special education. The Act covers incarcerated persons and there is little question that substantial numbers of offenders within the eligible age group suffer from learning disabilities, mental retardation or severe emotional disorders. The overriding majority of incarcerated offenders will be returned to free society: self-interest dictates that every possible remediation effort be made before release. Bar associations undertaking correctional literacy programs should examine state and local efforts to implement the provisions of P.L. 94-142.

STATE PROGRAM IDEA NINE

Low Vocabulary Newspapers for Prisoners

The Task Force is persuaded that bar associations can play a meaningful role in efforts to improve the state of correctional educational programs. This is especially true for adult basic education programs—programs designed to provide remedial training in reading, writing and computational skills. Achieving fundamental improvements in correctional education will not be an easy task, but levels of inmate illiteracy and functional illiteracy within the nation's correctional systems provide adequate evidence that change and improvement are necessities—not luxuries. We believe that bar associations interested in this area of the nation's illiteracy problem should give careful consideration to the creation of the kind of Standing Committee suggested in Program Idea Eight.

As an adjunct to that program, state bar associations could undertake special efforts to promote the development of low vocabulary newspapers for adult and juvenile correctional institutions. Low vocabulary, abbreviated newspapers—even weeklies—might well

serve a literacy motivational function. Bar associations interested in brokering this kind of literacy program could appoint a special committee to call upon the state's editors, publishers and press associations. In addition they could do the initial work necessary to elicit support from correctional administrators, from correctional educators and—quite possibly—from business and industry.

A model low vocabulary newspaper could be used as part of a correctional institution's teaching curriculum and it could reach a large audience currently deprived of print news because of that audience's inability to read higher vocabulary newspapers.

STATE PROGRAM IDEA TEN

State Bar Association Sponsorship of Executive Forums on Literacy

Few groups have more of a vested interest in the written and spoken word than the legal profession. Few groups should have more interest in universal—and meaningful—literacy than lawyers. And this should be particularly true as we begin the celebration of the Bicentennial of the Constitution.

The practice of law depends upon language mastery, and the law itself—if it is to be understood and if it is to be an effective means for preserving an ordered society—depends upon public understanding. For these reasons members of the bench and bar have particular, and particularly compelling, reasons for lending their full support to literacy improvement programs within their respective States and communities. Recognizing that they may have particular responsibilities in this arena, bar associations exploring the issue will quickly recognize that literacy improvement "belongs" to no special constituency or group. It is neither the sole province of government, nor parents, nor schools, nor social service agencies. And experience should tell us that the amelioration of illiteracy is not a job that can be achieved by one group. It is a pervasive social problem requiring the attention of a wide array of private and public organizations.

Recognizing that real inroads can be made only through concerted, cooperative action by a panoply of public and private organizations and individuals, state bar associations should consider the feasibility of sponsoring State Executive Forums on Literacy, forums designed to bring together the state's principal literacy actors and would-be actors in order to forge the kind of citizen army that can get the job done. Lawyers who will take the time to research the history of major literacy improvement efforts will discover that this

is not the place for "sunshine soldiers." The problem is as deep-rooted as it is pervasive. But bar associations, employing the bar's good offices, can issue the kind of call that should attract the interest and attention of all segments of the community. In state capitals across the country, bar associations could convene Executive Forums to increase public awareness, enlist the support of business and industry and forge the kind of coalition that will be necessary to bring about marked decreases in the rates of illiteracy. This would be an ambitious undertaking, requiring planning and energy. To be successful it would also require careful planning and careful coordination with the state's literacy organizations and providers.

Convening a one or two day State Executive Forum on Literacy could entail substantial costs. First, this kind of production would involve a heavy investment of staff time devoted to planning, logistics and administration. All programs of this kind require detailed preparation. Next, meeting space will require varying outlays. Promotional materials, background papers and forum agenda books will be necessary and some arrangements should be made to record the proceedings and produce follow up reports. Absent costs for working breakfasts or luncheons these kinds of large meetings can entail costs of $10,000 or more, depending upon the size and location of the meeting. In large states the costs could be much higher. Yet, in spite of the cost, the Task Force believes that this kind of program should be explored by state bar associations because it is the kind of activity that can focus statewide attention on the literacy issue. In addition, it is the kind of program that may well attract financial support from business, industry and foundations.

STATE PROGRAM IDEA ELEVEN

State Bar Association Youth Literacy Motivation Programs

Rates for adult illiteracy in America are worse than disturbing. Even more chilling, however, is the fact that the nation continues to produce young citizens unable to read or write at minimal levels. Some experts indicate that one to one and a half million illiterate teenagers "complete" their schooling each year. That these functionally illiterate youth are not desirable prospective employees is obvious. What is less obvious is that they represent more than a mere loss in the nation's economic life. Unless there is appropriate intervention, in all likelihood they will continue to represent a drain on the nation's resources for the rest of their lives. When illiteracy, combined with other personal problems, contributes to criminal conduct, the economic as well as the human cost is enormous. And

the millions of youthful illiterates add up. In one decade we will produce a veritable army of functionally illiterate young adults—ten to fifteen million strong—who will be incapable of holding most forms of productive employment. Accordingly, the Task Force believes that state bar associations should place special emphasis on programs designed to promote literacy training among the most youthful portions of our society. There are existing national programs that attempt to motivate young people to read. Reading Is Fundamental is one such program, a program that focuses its attention at the beginning end of the literacy scale. And, while the Task Force believes that a wide variety of literacy improvement programs are deserving of active bar association support and participation, it feels that reading motivational programs aimed at young children and their parents are particularly meritorious. Children are the future and programs designed to teach them and to motivate them during their early years should be more effective and more economical than efforts to remediate their deficiencies once they have become adults.

Accordingly, the Task Force believes that state bar associations should undertake special efforts to work with educators, social service and governmental organizations—as well as with parent groups and literacy motivation organizations—to develop renewed societal interest in effective literacy training for our youngest citizens. In undertaking this kind of youth-oriented program, bar associations might enrich their efforts by consulting with organizations such as the American Bar Association's Special Committee on Youth Education For Citizenship.

Efforts to establish special youth literacy motivation programs will also serve to complement the federal government's recent Project "Youth 2000" initiative, a joint initiative of the U.S. Department of Health & Human Services and the U.S. Department of Labor. With assistance from the National Alliance of Business and the National Assembly of National Voluntary Health & Social Welfare Organizations, Project "Youth 2000" will attempt to focus national attention on such youth problems as literacy (including workplace literacy), teenage pregnancy, drug abuse, dropouts, suicide and the like. It is more than noteworthy that Project "Youth 2000" has included literacy within its catalog of crucial problems facing "youth-at-risk."

In attempting to create a youth literacy motivation program, what can be done? First, a special committee could conduct an inquiry to determine current rates of teen-age illiteracy within the State. With the assistance of educators, juvenile justice officials and social service agencies the committee should be able to prepare a reason-

ably accurate assessment of youth literacy. In some—if not all—states, that assessment will lead to the conclusion that new or revitalized education efforts are required. Bar associations can help mobilize public support for a re-evaluation of policies that enable young people to graduate—or to receive certificates of completion—without having obtained the literacy skills necessary to pass basic competence tests. Bar associations could also work with agencies such as State Motor Vehicle Departments to determine how many drivers license applicants fail written examinations because they simply can't read. These rejected applicants should be prime literacy program referral candidates. Are they now? Probably not. And this may be a missed opportunity, a missed literacy incentive. How could this situation be turned into a youth "literacy incentive?" Why not something along the following lines? Youth (including young adults) who fail drivers tests would be given an immediate literacy test. Those who fail the literacy test but who are able to pass an actual "road test" (including the demonstrated ability to recognize common traffic and highway signs) conducted by state inspectors could then be offered a three month or six month "provisional license." The granting of a "provisional license" would further be conditioned upon the completion of a literacy training program (and not just a program designed to help one pass a drivers test). This kind of innovation would tie literacy training to acquisition of a practical "necessity" of modern life. It could also pay some by-product benefits. Insurance companies might well be interested in this kind of program and, in the long run, it could contribute to increased highway safety. In any event, it is a real-life example of ways through which young people could—and should—be induced to seek remedial literacy training. It should be noted here that it is not uncommon for States to administer oral tests to applicants who indicate they cannot read. While equities are involved in this practice, it too seems a lost opportunity to refer people to literacy training programs. In short, a wide range of governmental and social service agencies could be employed—in imaginative ways—as referral agents for literacy programs.

In examining the state of youth literacy, a bar committee could also focus particular attention on the literacy problems of "youth-at-risk"—those young people already in trouble with drugs, with pregnancies, drop-outs, runaways and the like. Intervention now may help avoid even worse problems in the future.

On the theory that children, like the rest of us, respond to signals of approval, bar associations could employ the counsel of child psychologists, educators and other professionals in creating programs to recognize the literacy achievements of our youngest citi-

zens. Unheralded, those achievements go unnoticed and hence continue to be undervalued.

State bar associations do not need vast resources to foster public interest in youth literacy motivation programs. In essence, bar associations will need only to marshall the imagination and energy of their members. The bar could, for example, arrange a series of special awards for young children—awards that could carry a degree of prestige and attract publicity. The Task Force believes that no area of the literacy crisis is more deserving of the organized bar's attention and we think that the bar can play a vital leadership role in the development of public and private literacy programs designed to eradicate teenage illiteracy.

STATE PROGRAM IDEA TWELVE

State Bar Association Awards for Literacy Achievement

Some bar associations present annual or periodic awards for conspicuous achievements by persons other than lawyers. Gavel Awards for books, articles and stories dealing with issues of interest to the profession—and to the public—are but one example. The Task Force believes that state bar associations would lend credible, prestigious publicity to literacy work by establishing a regular series of "state awards" for outstanding accomplishments in literacy work by individuals and organizations.

Everyone likes recognition—and high-level recognition may also produce tangible benefits for literacy organizations struggling with rising operational costs.

State bar association awards could be monetary or symbolic. Enterprising bar associations will find ways to make an award system work and they will be able to plan an awards program that will produce decent publicity. One way to emphasize the importance of literacy work would be to present an award at the state bar's annual meeting to the state's outstanding literacy tutor and to the state's outstanding literacy student. Bringing those citizens to the bar's annual meeting and honoring their achievements at that meeting could be a powerful gesture. In those states where adult education groups, or other literacy organizations, already conduct award ceremonies bar leaders could explore ways through which the bar might support such activities rather than duplicating them.

The costs for this kind of program would be minimal, not exceeding a few thousand dollars annually. Costs could include cash awards to recognize the state's outstanding literacy tutor by presenting a stipend or scholarship to that teacher's program.

STATE PROGRAM IDEA THIRTEEN

State Bar Association "Town Meetings" on Literacy

State Bar Associations could undertake to develop a series of public Town Meetings on Literacy to be held in the state's urban centers. These town meetings would be designed to attract ordinary citizens—and especially parents—as supporters of literacy improvement programs. The meetings could be held in public auditoriums, in churches or could even be aired over public television. Financial support for this type of program might well come from the organized bar and from business and industry. On the assumption that public buildings would be available, costs should be minimal. In the main, this kind of effort would require organizational skills, staff time and careful planning and publicity. The Task Force believes that special efforts need to be made to enlist the support and cooperation of ordinary citizens from all walks of life. We believe the open forum format of the town meeting would be an effective way to secure grass-roots support. Moreover, these town meetings could provide literacy organizations with a real opportunity to advertise their own services in a very direct manner. Bar sponsorship of town meetings on literacy should be seriously considered. In considering the feasibility of launching this kind of grass-roots public awareness campaign, bar associations would want to consult with state and local literacy organizations. In some jurisdictions similar programs may already be in operation and, again, in some jurisdictions the bar's role in such programs may be more a supportive than an operational one.

In essence, this form of program would represent a grass-roots awareness effort. To a large extent it would be a public relations undertaking—a state counterpart for the very major public awareness literacy campaign being waged nationally by Project Literacy U.S. But, unlike earlier program ideas regarding public service advertisements and executive forums on literacy, it would be designed for the active participation of ordinary citizens. And in large measure it is ordinary citizens who must be reached.

Promotional costs, costs for preparation of meeting agenda materials, costs for preparing and distributing information about community based literacy programs and the like would represent the principal outlays for this kind of program. Some rental costs for auditorium space may be involved. Clearly, bar association staff personnel would have to spend a good deal of time organizing and coordinating this kind of activity—an activity that would entail correspondence, phone charges and the like. Estimated costs, including promotional costs, for a series of five town meetings might

reasonably be in the neighborhood of $5,000. Bar associations may find that other organizations would be willing partners in this kind of program.

Summary of State Program Ideas

The thirteen program ideas set forth on the preceding pages of this section are merely ideas. The Task Force hopes that state bar associations will find some of them intriguing. In developing this catalog of ideas we have attempted to concentrate our attention on program and project ideas that relate to the work of bar associations and the legal profession. Some of the program ideas would not fit neatly into any definition of law practice; yet, all of them do relate to the kinds of tasks lawyers are adept at performing. We offer these ideas to the leadership of the nation's state bar associations with the hope that those bar leaders will use this manual and its ideas as a starting place. Based on our experience in contacting and working with literacy organizations we would urge bar leaders to undertake programs only after careful consultation with literacy organizations within their respective jurisdictions. We believe that contact with state and local literacy organizations will help bar leaders develop effective literacy programs. The Task Force will, of course, be pleased to work with any state bar association interested in establishing a literacy initiative.

Literacy at the Local Level

A Local Opportunity for Bar Public Service Leadership

Although national numbers and rates for illiteracy are cause for grave concern, the real impact of illiteracy is local. It is a neighborhood, a community phenomenon. And it is at the community and neighborhood levels that inroads—if they are to be made—will be made. State coordinating councils, legislative councils and the like are necessary parts of a unified attack on illiteracy, but the real work, the hard work, the continuing work must be performed literally "in the streets." This reality means that local bar associations have ample opportunity to perform service functions every bit as important as the functions that can more properly be performed by state bar associations. State bars can motivate, lead and coordinate: local bar associations have an opportunity to become "hands on" actors.

Within this nation today there are thousands of local literacy programs. In some communities literacy workers—both Adult Basic Education teachers and volunteers as well as private literacy organization volunteers who give freely of their time and talent—have managed to forge effective coalitions. Through their coalition building efforts public and private programs have formed common bonds and have become more effective because of the communal effort.

Yet, in spite of these strides, most literacy organizations remain understaffed, underequipped and, most importantly, underfinanced. Most literacy organizations would welcome the services that could be offered by business people, by bankers, lawyers, accountants and by advertising and public relations specialists. The local bar, whose members represent local businesses, sit on local boards of directors and have wide familiarity with the community's leaders in every field, can do much to improve the operational effectiveness of community based literacy organizations. We turn now to programmatic discussions of the ways through which local bar associations can provide legal and law-related services to literacy organizations. In doing so we re-emphasize the need for bar leaders to consult with literacy organizations before defining their programs.

What Local Bar Associations Can Do

There is virtually no limit to the range of services that local bar associations could provide to community-based literacy organizations. The following program initiatives are merely "ideas"—ideas that can and should be altered and adapted to meet local conditions. Hopefully, local bar associations—in concert with the coordinating role to be played by state bar associations—will find some of these program ideas attractive: attractive enough so that they will be put into operation.

LOCAL PROGRAM IDEA ONE

Reproduction of Literacy Training Curricula Materials

Talk with literacy volunteers and workers from almost any literacy organization. They will tell you, when asked, what they need. Most will tell you that they frequently lack sufficient funds—and sufficient equipment—to reproduce literacy training materials for their students. This is not a negligible problem. Adult literacy stu-

dents can't be taught to read using primers designed for young children. At least they can't be taught effectively. Adult illiterates are nonetheless adult and they want adult-content training books and materials. All too frequently such materials are not readily available and, because adult tutor-student ratios are small, literacy teachers often develop their own training materials. Well-crafted training curricula materials are at a premium.

Local bar associations could perform a signal service to literacy work if they would render a very simple service: urge law firms, and especially larger, well-equipped firms, to grant local literacy organizations time-limited *pro bono* use of the firm's word processing and word reproduction equipment on a weekly or bi-weekly basis. Some local bar associations will be able to provide this service themselves. Others could undertake a survey of firms willing to help and could provide the coordinating mechanism to put literacy organizations in direct contact with firms interested in providing the service. This seemingly small service would be of great benefit to literacy organizations.

The cost for bar associations and participating firms should be minimal, and, in any event, matters regarding time and volume usage could be agreed upon by participating firms and literacy organizations in advance.

LOCAL PROGRAM IDEA TWO

Promoting Lawyer Membership on Boards of Directors of Local Literacy Organizations

Lawyers serve on the Boards of Directors of several prominent, national literacy organizations. That service, we believe, should be replicated at the local level in communities across the country. The Task Force is convinced that lawyers who become involved at the Board of Directors level will find many ways to provide advice and assistance to community-based literacy organizations. Bar associations can help by encouraging their members to seek out this kind of public service. Bar associations can also encourage local law firms to urge their partners and associates to become involved in this form of public service. During the Task Force's deliberations and its discussions with a wide range of literacy organizations, this suggestion received an enthusiastic reception. The message was clear: literacy organizations would welcome the active participation of lawyers as members of their respective boards. The literacy experts advising the Task Force voiced the view that lawyers could help

promote board development programs and that their presence would help strengthen local literacy organizations.

The cost for conducting this kind of lawyer motivation program would be virtually nil. Bar associations could conduct this kind of motivational program by placing articles or messages from the bar president within local bar journals, newsletters and the like. Some bar associations might wish to make a direct mail appeal to their members. Still others might wish to pursue the matter by sending out a recruitment survey—a device that would allow the bar to follow up and place interested lawyer candidates in direct touch with literacy organizations who wish to have legal representatives on their boards. Firms with established *pro bono publico* programs and bar associations that operate private bar involvement projects may well find lawyers engaged in civil and corporate practices who would welcome this kind of opportunity to engage in a public service endeavor. Moreover, service of this type may be appealing to older, retired lawyers who wish to remain active in the community's public and legal affairs.

Lawyer involvement need not be limited to the literal title of this program idea. In lieu of board service, bar associations could also urge lawyers to offer to serve as *pro bono* counsel to literacy organizations. One imaginative bar leader in the midwest has suggested that lawyer directories could include a special symbol identifying those lawyers who would be willing to perform *pro bono* services for literacy organizations. That idea could be adapted in a number of ways. Lawyer referral lists could include that information, allowing bar association referral services to put literacy organizations in contact with interested attorneys. In either case—as board member or as counsel—the Task Force believes that lawyers can provide meaningful service to literacy organizations. We suggest that local bar association leaders can bring the legal needs of literacy organizations to the bar's attention.

Whether this is done by survey, by direct mail appeal, by bar journal articles or advertisements, by phone calls or through other methods is immaterial. Bar associations currently operating private bar involvement projects should have little difficulty conducting a recruitment campaign. Associations lacking formal private bar involvement projects can use other mechanisms.

LOCAL PROGRAM IDEA THREE

Literacy Grant and Funding Proposal Legal Assistance

Literacy organizations work hard for their funding—funding that is often meager. Many of these organizations would welcome legal

assistance, the kind of assistance that would at least insure that their grant and funding proposals met the funding institution's requirements. Lawyers could provide this kind of service.

Local bar associations could make the delivery of this form of legal service a special bar project that could be pursued by a Young Lawyers Section. This would require no more than a direct mail contact with each local literacy organization to determine whether the individual organizations wished to be "assigned" one or more lawyers to provide legal assistance in the development of grant and funding proposals. A local bar's Young Lawyers Section could assign a program coordinator, develop and conduct some training courses for the project participants and track the program's results. Enterprising groups of lawyer participants might even wish to develop innovative, joint-applicant proposals that tied together several local literacy programs. In the Task Force's judgment, the involvement of Young Lawyers Sections would be a very positive factor which could pay rich dividends. To begin with, active involvement of a bar section might help to create more effective local literacy coalitions, thereby increasing the chances for obtaining adequate funding. Next, the professional grant proposal assistance of lawyers would insure that applicants would—at the least—meet all formal, legal application requirements. This alone will increase the likelihood of financial assistance. The Task Force believes that if lawyers and bar sections would undertake this form of *pro bono* assistance, they will find ways to supplement the meager financing that is currently the lot of most local literacy organizations.

Aside from the contribution of lawyer *pro bono* hours, the out-of-pocket costs for the bar association undertaking this form of program would be minimal.

LOCAL PROGRAM IDEA FOUR

Bar Association Literacy Grant Funding Opportunity Bulletin

As an adjunct to "Local Program Idea Three" bar associations could, with the assistance of participating law firms, produce a periodic Literacy Grant Funding Opportunity Bulletin for distribution to all local literacy organizations. A host of federal programs now provide funding for a variety of literacy initiatives. In addition, many other organizations fund literacy work. Some of these organizations are private, local foundations. Some are local business concerns and some are individual philanthropists. Literacy organizations should be—but frequently are not—aware of such funding opportunities.

With the participation of a few law firms, local bar associations ought to be able to put together and distribute a useful "funding opportunity bulletin" for the community-based literacy organizations operating within its jurisdiction. The service would be a meaningful one and it would be an excellent adjunct to the legal assistance program described in "Idea Three." Operation of this kind of service would also enable a local bar association to track levels of public and private funding assistance for literacy work. In most communities this kind of data base would represent important information, information that could enable bar associations and local literacy coalitions to lobby effectively for financial assistance.

On the assumption that legal research assistance would be supplied by participating law firms, this program would entail minimal financial outlays. It would involve staff time to collate submissions from law firms, put the bulletin in final form, reproduce and mail.

LOCAL PROGRAM IDEA FIVE

Bar Journal Listing of Local Literacy Programs

With the research assistance of participating law firms, local bar associations—armed with the ABA National Directory of Literacy Programs—could produce and publish within a local bar journal or bar bulletin a comprehensive list of local literacy programs. The list could identify those programs seeking *pro bono* legal assistance. Local bar associations wishing to undertake this kind of useful information dissemination project could take an additional step by publishing a list of local law firms and lawyers willing to provide pro bono service to literacy organizations. Such lists could be made available to lawyer referral services, social service agencies and to literacy organizations. Together these modest information services—each of which might entail some preliminary survey research work—could accomplish the important objective of creating a dialogue between bar organizations and literacy groups.

This form of literacy organization listing would be particularly useful for public defenders, for Legal Service Corporation affiliates, for prosecutors, probation offices, juvenile units of local police departments, Juvenile Courts and for Court related social service agencies. The most effective listing would include some data regarding individual literacy programs—eligibility requirements, client base and the like. Bar associations interested in this program idea should also review "Local Program Idea Seven," a related but more ambitious information service regarding local literacy programs.

The costs for undertaking this kind of bar journal literacy program information service would be very modest.

LOCAL PROGRAM IDEA SIX

Local Bar Association Fund Raisers for Literacy Programs

During its deliberations the Task Force has been impressed with the extent to which literacy organizations "make do" with what they have. For the most part these organizations are operated by volunteer workers who devote all or part of their time. They are men and women of great determination and stamina. Yet, while they pursue their goals with energy and with seemingly boundless faith, it is clear that some financial assistance could bring major improvements within their reach. Larger urban programs could, for example, benefit greatly from the acquisition of modern word processing equipment. Programs serving adult illiterates could ease the burden of class attendance if they could provide decent, secure baby sitting services and virtually all programs would be enriched if they could increase their corps of trained, willing literacy tutors.

Local bar associations could assist literacy organizations by planning and conducting imaginative fund raising benefits. Although society charity affairs have become *passé*, bar association committees could consider variations on that theme. Local bar associations could, for example, approach area sport franchises to determine whether a particular athletic event might not be set aside as "Literacy Night," a night where a portion of the proceeds would go to local literacy programs. In recent years some local bar associations have sponsored special "legal consultation" days where prospective clients receive free consultation and advice. A possible variation on that theme would be to charge a very modest consultation fee on a day designated Literacy Day by the local bar. Fees collected could be given as gifts to local literacy organizations. Bar association committees could, no doubt, develop an array of dignified, effective fund raising benefit ideas to help support local literacy programs.

These kinds of fund raising programs should entail little by way of direct expenditures. They would, however, require considerable amounts of *pro bono* time.

LOCAL PROGRAM IDEA SEVEN

Descriptive Catalog of Literacy Services for Courts and Local Social Service Agencies

Local bar associations, utilizing the services of participating law firms together with the assistance of summer college student interns

could perform a noteworthy service by developing a detailed, descriptive catalog of local literacy organizations and programs. This kind of catalog would be far more detailed than the ABA's National Directory: it could describe all salient features of both public and private local literacy programs (eligibility requirements, age ranges, pedagogical methods employed, costs if any and the like). The purpose of the bar catalog would be to give courts and social service agencies ready referral information—allowing them to act promptly when they identify an adult or a juvenile as a literacy training candidate.

In some jurisdictions catalogs of this nature would be relatively complex and lengthy. But, absent a current counterpart, the project would seem to be a worthy one. Its development and publication should be well within the bar's capacity. And its distribution to lawyers, Courts, social service agencies, schools, Parent-Teacher Organizations, Probation Departments and other civic organizations would be a significant public service. Larger local bar associations should have little difficulty in keeping this kind of catalog up-to-date. The Task Force believes that this proposed program deserves very serious consideration by local bar associations. A well-crafted catalog of this nature could also include data regarding literacy organization funding and it could also advise prospective donors about needed monetary and in-kind contributions.

Costs for this kind of special project would vary depending upon the size of the jurisdiction, catalog style and the like. A utilitarian catalog could be produced and distributed by many bar associations for several thousand dollars. In some jurisdictions catalogs and directories of literacy programs already exist. Obviously, these resources should be drawn upon. In jurisdictions where up-to-date, descriptive directories have already been produced by literacy organizations the bar could help by simply undertaking a project to reproduce and distribute an existing directory.

LOCAL PROGRAM IDEA EIGHT

Advising Clients Regarding Bequests to Literacy Organizations

Local bar associations leaders who regularly contribute articles for publication in local bar journals should consider an article urging lawyers who engage in estate and trust work to include reputable literacy organizations in lists of prospective philanthropic legatees for clients who ask for advice upon such matters. The Task Force believes that lawyers who become familiar with the work done by literacy organizations will be favorably impressed with that work

and with its overall contribution to the public good. In addition, lawyers are regularly consulted regarding charitable contributions to this or that organization. We believe that lawyers who take the time to inquire will find that literacy organizations would be meritorious candidates for charitable contributions.

Local bar associations could promote a wide range of planned giving programs for the benefit of literacy organizations and the Task Force believes that this would be a worthwhile service.

The costs for this form of information program would be negligible.

LOCAL PROGRAM IDEA NINE

Local Bar Association Literacy Curricula Committees

During the course of its deliberations the Task Force heard testimony from a variety of literacy experts and organizations. A commonly sounded theme was the need for more "adult content" low vocabulary reading materials for literacy students. And literacy groups expressed special interest in the development of "law related" reading materials. Lawyers, we believe, could assist literacy tutors and literacy curricula developers in preparing law related training materials. Committees of lawyers, meeting with literacy professionals, would be able to help curricula specialists include a wide range of common legal concepts—as well as a wide range of everday legal problems—within contemporary training materials. These committees, acting as legal consultants, could—for example—prepare detailed lists of everyday legal issues such as landlord-tenant problems and common legal questions about installment sales, tax withholding and banking law. Moreover, lawyers working with literacy curricula development specialists could help incorporate basic constitutional law concepts in literacy training programs. Bar associations interested in pursuing this program idea will want to draw upon the wealth of material developed over the years by the American Bar Association's Youth Education For Citizenship program. That program, operated by the ABA's Division for Public Education has produced voluminous written material and would be an invaluable source of technical assistance for interested local bar associations.

The Task Force believes that lawyers would provide an exceptionally valuable service by establishing committees to advise literacy organizations about the incorporation of law related issues within literacy training curricula. Pursuit of this kind of program by local bar associations would entail very little cost.

LOCAL PROGRAM IDEA TEN

Bar Association "Plain English" Projects

In an interesting monograph, *The Literacy of Welfare Clients*, published by The Urban Institute, authors Marc Bendick, Jr. and Mario G. Cantu observe that "About 75 percent of the U.S. poverty population can offer reading skills at no higher than an eighth-grade level. The procedures and documents of many public welfare agencies require far higher levels of skill; in a sample of eighty-one documents, only 11 percent were judged accessible to those with eighth-grade skills". This is a telling observation, and the authors' research seems to more than justify that observation. Analyzing 81 separate documents, the researchers applied an accepted formula for determining the "readability" of a variety of public assistance documents. The results indicated that 32 percent of the documents required college or even college graduate reading skills; 29 percent required high school graduate reading skills and another 28 percent required some high school skills. Most importantly, only 11 percent of the documents were couched in terms "readable" for those possessing eighth-grade reading skills or less.

There is a lesson here for bar associations and lawyers. If this is the case with public assistance forms and procedures, is it not also the case with court forms and procedures? While the Task Force has undertaken no survey to corroborate this intuition, experience suggests that legal forms—whether they be leases or summonses—are not written in terms understandable or "readable" by a large segment of society. And if the analogy is apposite, it would mean that the very audience an institution is trying to reach is deprived of understanding.

The Task Force believes that bar associations can take the lead in encouraging plain English movements in those jurisdictions where such programs are not in effect. This kind of effort would support the American Bar Association's Quality of Law Program and would mirror efforts already in place in some states. New York, for example, requires plain language in consumer agreements (NY Gen Oblig Law 5-702). Bar associations interested in a plain English initiative could establish interdisciplinary task forces comprised of lawyers, literacy specialists and qualified researchers. Task Forces could evaluate current legal forms (standard leases, credit documents, court forms, public assistance application forms and the like) and, where warranted, could propose simplified alternatives. The Task Force believes that this would be a useful program, a program with a clear relationship to the literacy crisis. Translating needless complexity into plain English is a desirable goal. But it is more than

desirable: it is essential if the law is to be understood by the public. Moreover, a plain English pursuit need not contradict the general call for increased literacy training.

LOCAL PROGRAM IDEA ELEVEN

Establishment of Bar—Judicial Literacy Councils

Like bar associations, courts can play an important role in supporting the work being carried out by literacy organizations. Courts can, for example, consider means through which they might become referral sources. Juvenile and family court judges as well as other special courts probably deal with large numbers of low literacy parties on a daily basis. Working with members of the bar, courts could develop formal identification and referral programs. In this form of endeavor Bar-Judicial Councils would be well-advised to seek the consultative assistance of local literacy experts and organizations. That is important because literacy training is not ordinarily something that can be ordained by any third party. Thus, a judicial order might produce attendance at a literacy training program—and nothing more. And, because internal motivation seems to be a key ingredient, literacy experts should be involved in any Bar-Judicial effort to plan and implement an illiteracy identification and referral system. Councils of this nature may wish to consider, for example, the feasibility of retaining the volunteer services of a Court Literacy Counselor, a trained literacy worker who has acquired special "recruitment" skills and who has achieved a successful record as a literacy tutor. Like other skilled court employees who routinely conduct in-depth interviews, the Court Literacy Counselor could evaluate a person's literacy level, explain the availability of community programs and help motivate illiterates to seek that training. Moreover, the Court Literacy Counselor could be employed as an adjunct to the local Probation Office to recommend literacy training regimens for appropriate adult and juvenile candidates. The Task Force believes that a wide variety of intervention programs could and should be developed by local Bar-Judicial Councils and suggests that this kind of program would also serve to raise the literacy awareness of both bench and bar.

Costs for creating a Bar-Judicial Literacy Council would be minimal. Programs developed by such a Council could entail some costs; however, the costs should be small. There is good reason to believe that local literacy organizations would, in many communities, provide volunteer pools for acquiring the trained personnel to serve as Court Literacy Counselors.

LOCAL PROGRAM IDEA TWELVE

Bar Association Literacy Round Tables

Local bar association presidents-elect seeking high-visibility public service projects for their terms of bar leadership should consider assigning a high priority to the topic of literacy. Bar leaders choosing literacy as one of their top public service priorities could plan a series of Literacy Round Tables involving community leaders from business, industry, government and education. This kind of program could be as informal, or as elaborate, as its planners wished. Local bar associations wishing to play a very active leadership role could host Literacy Round Table luncheons, working luncheons designed to motivate other community leaders and organizations. A well-planned program, like similar ventures run by community United Way organizations, could create a sense of *esprit* and involvement. This form of program would employ the local bar associations' good offices as a community catalyst and would bring credit to the association.

A well-planned, well-run program would entail costs. An effective program would have to include promotional costs and, community leaders invited to such a series of meetings should receive background briefing papers, follow up reports and the like. Bar associations having the financial wherewithal could host catered luncheons.

LOCAL PROGRAM IDEA THIRTEEN

Literacy and Celebration of the Constitution's Bicentennial

Many bar associations are planning special programs and events to celebrate the Bicentennial of the United States Constitution. Ironically, as we begin this national time of reflection about our Constitution and its guarantees of freedom, we are confronted by the startling fact that many, many Americans cannot even begin to read the world's most remarkable political document. This fact should be of concern to the organized bar. And, in attempting to formulate local programs emphasizing the importance of the Constitution, local bar associations should give some thought to the ways through which they can use this opportunity to also emphasize the importance of "legal literacy." Literacy and the celebration of the Constitutional Bicentennial go hand-in-hand. Together they offer local bars a perfect platform for doing literacy motivational work. Accordingly, local bar associations might explore with local school sys-

tems, parent-teacher organizations and others the possibility of planning and conducting special school appearances by lawyers—appearances before elementary and junior high school students in particular. Ambitious local bar associations could also consider the publication and distribution of low-vocabulary reading motivational pamphlets focusing on Constitutional themes. Bars interested in this kind of ambitious endeavor should consult with the American Bar Association's Public Education Division and with organizations such as Reading Is Fundamental for advice and guidance. The Task Force believes that enterprising bar associations can take advantage of the Bicentennial celebration in ways that can emphasize the importance of legal literacy.

Virtually no costs would be incurred by bar associations interested in developing programs for planned school appearances by lawyers. Clearly, the publication and distribution of reading motivational pamphlets would involve financial outlays.

LOCAL PROGRAM IDEA FOURTEEN

Private Bar Involvement Projects

Local bar associations currently operating private bar involvement projects should consider undertaking special efforts to combine their *pro bono* representation of poor clients with projects designed to identify illiterates and to refer those illiterate clients to literacy training programs. Moreover, lawyers and bar associations active in private bar involvement work should consult with their Legal Service Corporation counterparts to determine the extent to which these major legal service providers might contribute to comprehensive efforts to actively recruit literacy students. While illiteracy is not confined solely to the lower economic strata of society, there is little question that the disadvantage of illiteracy commonly occurs in groups that suffer other debilitating disadvantages. Thus, lawyers serving the poor are more apt to have frequent contacts with illiterate clients and are more apt to be in positions where their counsel will be heeded. Bar associations should therefore encourage private bar involvement project lawyers and Legal Service Corporation lawyers to work in concert with literacy organizations toward the development of formal and informal identification and referral systems designed to get illiterates into training programs.

LOCAL PROGRAM IDEA FIFTEEN

Bar Literacy Volunteer Recruitment and Management Program

Many literacy programs depend heavily upon volunteers. The use of volunteers has increased markedly within the ranks of the nation's

Adult Basic Education programs. And ABE programs currently provide about 90 percent of all adult literacy training. In spite of the importance of volunteers, the recruitment of literacy tutors and of volunteer administrative workers is not an easy matter. This is an area where bar associations—in close and active cooperation with private literacy organizations and ABE programs—could play a useful role. Within virtually every major metropolitan area in the country there are untapped volunteer resources. Three potentially sizeable resources come readily to mind: retired persons, members of organizations such as the Federation of Women's Clubs and college and community college students. Each of these groups represents a potential army of literacy workers. The Task Force believes that bar associations can help local literacy organizations recruit administrative and tutorial personnel by establishing liaisons with local chapters of major national organizations and with local colleges and community colleges. The role of community colleges in literacy work has increased dramatically within recent years.

How would a local bar association proceed as a "recruiter?" Depending upon the community, association members could make appearances before audiences at local colleges, retirement communities and the like. The bar association could also sponsor—or co-sponsor—public service advertisements in local and county newspapers. In addition, the bar association could try to interest local television and radio stations in hosting brief literacy panel programs designed to serve a literacy volunteer recruitment function.

But recruitment assistance is not enough. Bar associations, in concert with business and management professionals, can help literacy organizations develop effective means for monitoring and managing literacy volunteers. Trained tutors are not an inexpensive commodity. Better delivery systems can help see to it that their skills are put to use. Moreover, bar associations can help local literacy organizations develop more systematized student progress measurements and better program accountability procedures. These management improvements are more than desirable and for many literacy organizations they would be welcome improvements. Systems for linking waiting literacy students with waiting tutors should not be difficult to construct. Improved management can help literacy organizations expand the reach of their resources and the Task Force believes that bar associations should have little difficulty in providing helpful consulting services in these important areas.

Summary of Local Program Ideas

The fifteen program ideas set forth on the preceding pages of this section vary widely in scope and complexity. Some could be imple-

mented with little effort while others would require considerable planning and significant resources. The Task Force hopes that local bar leaders will give these ideas serious consideration as they formulate the bar's plans for conducting local public service programs and projects.

What Individual Lawyers Can Do

Since the fall of 1986 the ABA Task Force on Literacy has had contact with many literacy organizations and with other public and private organizations and institutions working to support the literacy movement. During this time the Task Force has been impressed with the fact that the literacy movement in this country relies heavily upon individuals. Organizations are, of course, important and a handful of national literacy organizations have provided national leadership for many, many years. Yet, the work being done by even the largest literacy organizations is almost totally dependent upon the individual commitments and contributions of thousands of Adult Basic Education teachers and thousands of private literacy organization volunteers. We believe that bar associations, like organizations such as the Literacy Volunteers of America, Inc., Laubach Literacy Action and Reading Is Fundamental, can help supply literacy improvement leadership. We also believe that individual lawyers can and should lend their voices and their skills to the literacy movement.

Law firms and individual lawyers can make a difference. Without the willing participation of the men and women of the organized bar, association programs will be able to do little. The Task Force knows that individual lawyers cannot operate literacy hotlines or develop speakers bureaus or singlehandedly put into operation many of the program suggestions set forth within this Chapter. Yet, we also know that without the active participation of individual lawyers these association programs cannot succeed. A bar association can help generate interest, help explain the problem and help provide organized opportunities for lawyers to engage in this useful public service arena. But it will be up to individual lawyers to serve on the boards of directors of local literacy organizations and it will be up to individual lawyers to work with the curricula development specialists of literacy organizations: in short, it will really be up to individual law firms and individual lawyers to implement the "association" programs outlined within this Manual.

We believe that the message implicit in the twenty-eight program suggestions outlined in this Manual is a clear one: literacy improve-

ment represents a golden opportunity for bar associations and for association members, a golden opportunity to perform an invaluable public service. We also believe that the literacy work done by bar associations, by bar committees and by active and retired lawyers will be rewarding.

Virtually every program outlined within this Chapter will require the volunteer services of individual lawyers as well as the organizational and administrative resources of bar associations. But individual lawyers can undertake their own literacy initiatives. Lawyers, for example, who serve on corporate boards or who act as counsel to corporations could help develop new institutional policies to deal effectively with workplace illiteracy. In large business enterprises counsel might help develop programs to encourage worker self-enrollment in in-house basic education and literacy training programs. To be effective, such programs should reward rather than punish enrollment. In smaller business organizations, where economies of scale might prevent the development of in-house programs, counsel might encourage formal referral systems to get workers enrolled in community-based programs. Benefiting from such programs, corporations might in turn make contributions to such community based literacy organizations to subsidize—in part—the corporate use of those services. In short, lawyers serving in corporate officer capacities can help develop forward-looking attitudes and forward-looking policies about workplace literacy. In the long run literacy training for workers is a matter of business self-interest. Any bar association—and indeed any individual lawyer—interested in becoming active in workplace literacy programs should—as a first step—get in touch with the Business Council for Effective Literacy.

We hope that lawyers who have taken the time to read this Manual will be convinced not that the program ideas offered are the last word, but that the scope and depth of the nation's literacy requires the organized bar's involvement. We believe the evidence is palpable and convincing. Its importance to the country and to the country's future was addressed almost a quarter century ago in *Economic Development*, a book written by one of the nation's distinguished economists:

> People are the common denominator of progress. So no improvement is possible with unimproved people, and advance is certain when people are liberated and educated. It would be wrong to dismiss the importance of roads, railroads, power plants, mills and the other familiar furniture of economic devel-

> opment. . . . But we are coming to realize . . . that there is a certain sterility in economic monuments that stand alone in a sea of illiteracy. Conquest of illiteracy comes first.

With those words, John Kenneth Galbraith defined the importance of literacy. His words should have special meaning for lawyers.

CHAPTER FIVE

UNIVERSAL LITERACY: A NATIONAL IMPERATIVE

As a nation poised on the edge of a technological quantum leap forward, how can we doubt that universal literacy is simply a national imperative? Super technology—robotics, automation, electronics, laser science—is here now. But technology can serve our needs only if we can learn to serve and service its needs. As was the case with the now-crude machinery that began America's industrialization, we need a work force that can service the engines of the electronic age, a work force that can manipulate the gifts of applied science. And we should make no mistake on this score: the engineering and scientific marvels being placed at the nation's disposal are not luxuries. The are the necessary tools and building blocks for continuing national prosperity.

Within industry, evolution has given way to a technological revolution. Change is no longer gradual, imperceptible. And in this period of drastic change, America cannot tolerate a continuation of its current rates of illiteracy. Absent heightened remedial efforts the nation's social, economic, political, defense and industrial enterprises will be at risk. Economic strength is rarely the product of accident. Invariably, fortune follows preparation. If we are to be prepared in the decades ahead, we must make significant strides now to equip the nation's work force with the literacy skills necessary for successful competition.

Recent lessons within the legal profession should attest to this fact. Law practice has undergone radical change within the past decade. Today, as never before, young lawyers are technologically trained and this special kind of training is now an indispensable ingredient of contemporary legal competence. A by-product of the space age, legal technology is but the mirror image of the great technological revolution sweeping through American business and industry. Futurists already predict that in the immediate years ahead fewer and fewer jobs will be available for those with marginal literacy skills. Moreover, they argue that technological acceleration itself will raise the levels of minimally acceptable reading, writing

and computation skills. These predictions seem sound—rooted as much in common sense as in prescience. The predictions carry a warning: the race has just begun and we are already behind.

The productive capacities of our industrial base will be in increasing jeopardy without remedial work-force literacy and retraining programs. The nation's businesses know this and they are launching programs to avert the certain consequences of inaction. But industry is not the only institution in jeopardy. In the midst of the dark days of World War II a distinguished educator, President James Bryant Conant of Harvard University, appointed a Committee on the Objectives of a General Education in a Free Society. Of that Committee he said, "Our purpose is to cultivate in the largest possible number of our future citizens an appreciation of both the responsibilities and the benefits which come to them because they are Americans and are free." Today, illiteracy threatens those benefits of freedom. Illiteracy also affects our individual and collective responsibilities. National defense, increasingly dependent upon sophisticated armaments, is equally dependent upon armed forces stocked with literate men and women. As military defense becomes more complex, those minimal literacy quotients will rise. More importantly, our economic and military strength draws its sustenance from the bedrock political institutions of a free society. And these fundamental sources of our national life are absolutely dependent upon a literate electorate.

These views and these worries about the nation's future vitality are shared by others. Almost half a century ago, Mr. Conant talked of national "purpose": today, equally clear voices speak of national "predicament." Secretary of Labor William E. Brock, a Cabinet officer concerned about literacy, has stated that there will be jobs in the future for every qualified person who wants one. But he adds, "Are we going to have any qualified persons to fill those jobs?" David T. Kearns, Chairman and Chief Executive Officer of the Xerox Corporation, is equally worried. In a recent speech in New York he reported that 700,000 functionally illiterate young people graduate from high school each year, young people who can't even read their diplomas. And another 700,000 just drop out. American business spends enormous amounts of money on employee training. Increasingly, that training has had to focus on basic literacy skills. According to Kearns, industry now has to do what should have been done by our educational systems: "It's a terrible admission, but remedial training in basic reading, writing and arithmetic has become part of the normal cost of doing business." His concern should be shared by lawyers because, in his words, "Our education system is the key to our ability to compete and, therefore, to our economic survival."

Many contemporary problems confront us at home and abroad. Each of them will have an impact on the nation's health, welfare and safety. Few, however, are of such fundamental importance as literacy. We believe that a serious study of illiteracy in America leads to the inescapable conclusion that universal literacy is nothing less than a national imperative. Believing that, we urge the nation's organized bars to support and sustain long-term literacy improvement programs.

APPENDIX

Abridged Alphabetical Index of Organizations and Literacy Programs Mentioned Within This Manual

The ABA Task Force on Literacy intends to publish a National Directory of Literacy Programs to assist state and local bar associations by identifying literacy organizations within their respective jurisdictions. Pending the publication of a national directory, the following abbreviated listing will provide bar associations with a short list of some of the national public and private organizations that are involved in direct and indirect literacy improvement initiatives. The listing, while incomplete, may be helpful to bar leaders interested in developing literacy improvement projects within their respective associations.

ABC/PBS Project Literacy U.S.; Project Director, Capital Cities/ABC Inc., 1330 Avenue of the Americas, 14th Floor, New York, New York 10019 (212-887-7227); Project Director, PBS, WQED TV, 4802 Fifth Avenue, Pittsburgh, Pennsylvania 15213 (412-622-1492)

Adult Literacy Initiative, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 510, Reporter's Building, Washington, D.C. 20202 (202-732-2959)

American Association for Adult and Continuing Education, 1201 Sixteenth Street, N.W. Suite 230, Washington, D.C. 20036 (202-822-7866)

American Association of Community and Junior Colleges, One DuPont Circle, N.W., Suite 410, Washington, D.C. 20036 (202-293-7050)

American Association of Retired Persons 1909 K Street, N.W. Washington, D.C. 20049 (202-872-4700)

American Correctional Association, 4321 Hartwick Road, Suite L-208, College Park, Maryland 20740 (301-699-7600)

American Library Association, 50 East Huron Street, Chicago, Illinois 60611 (312-944-6780)

Association For Community Based Education, 1806 Vernon Street, N.W., Washington, D.C. 20009 (202-462-6333)

Coalition For Literacy, 50 East Huron Street, Chicago, Illinois 60611 (312-944-6780); Information Center, P.O. Box 81826, Lincoln, Nebraska 68501, toll free information number 1-800-228-8813

Correctional Education Association, 4321 Hartwick Road, Suite L-208, College Park, Maryland 20740 (301-277-9088)

Council of State Policy & Planning Agencies, 400 N. Capitol Street, Suite 291, Washington, D.C. 20001 (202-624-5386)

Division of Adult Education, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 522, Reporters Building, Washington, D.C. 20202 (202-732-2270)

Foundation For Children With Learning Disabilities, 99 Park Avenue, 6th Floor, New York, New York 10016 (212-687-7211)

Laubach Literacy Action, 1320 Jamesville Avenue, Box 131, Syracuse, New York 13210 (315-422-9121)

Literacy Volunteers of America, Inc., 5795 Widewaters Parkway, Syracuse, New York 13214 (315-445-8000)

National Institute of Corrections, U.S. Bureau of Prisons, HOLC Building, Room 200, 320 First Street, N.W., Washington, D.C. 20534 (202-724-3106)

National Governors' Association, 444 N. Capitol Street, N.W., Suite 250, Washington, D.C. 20001 (202-624-5300)

Reading Is Fundamental, 600 Maryland Avenue, S.W., Suite 500, Smithsonian Institution, Washington, D.C. 20560 (202-287-3220); information number regarding local RIF Projects (202-287-3257)

The Business Council For Effective Literacy, 1221 Avenue of the Americas, 35th Floor, New York, New York 10020 (212 -512-2415)

U.S. Bureau of Prisons, Department of Justice, HOLC Building, 320 First Street, N.W., Washington, D.C. 20534 (202-724-3250)

U.S. Conference of Mayors, 1620 Eye Street, N.W., 4th Floor, Washington, D.C. 20006 (202-293-7330)

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THE AMERICAN BAR CENTER
750 North Lake Shore Drive
Chicago, IL 60611
312-988-5158

AMERICAN BAR ASSOCIATION
Washington, D.C. Offices
1800 M Street, N.W.
Washington, DC 20036
202-331-2208

AMERICAN BAR ASSOCIATION
TASK FORCE ON LITERACY
1800 M Street, N.W.
Washington, DC 20036
202-331-2287